UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/1990/6/Add.19
8 January 1999

ENGLISH
Original: SPANISH

Substantive session of 1999

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

VENEZUELA* **

[8 July 1998]

---

* The initial reports concerning rights covered by articles 6 to 9 (E/1984/6/Add.1), 9 to 12 (E/1980/6/Add.38) and 13 to 15 (E/1982/3/Add.33) of the Covenant submitted by the Government of Venezuela were considered by the Working Group of Experts at its 1984 session (see documents E/1984/WG.1/SR.7, 8 and 10) and at its 1986 session (see documents E/1986/WG.1/SR.2, 5, 12, 17 and 18) respectively.

** The information submitted in accordance with the consolidated guidelines concerning the initial part of the reports of States parties is contained in the core document (HRI/CORE/1/Add.3).

GE.99-40091 (EXT)

CONTENTS

	Paragraphs	Page
Article 1	1 - 10	3
Article 2	11 - 13	5
Article 3	14 - 25	6
Articles 4 and 5	26 - 29	9
Article 6	30 - 59	10
Article 7	60 - 98	19
Article 8	99 - 118	26
Article 9	119 - 129	29
Article 10	130 - 172	31
Article 11	173 - 208	43
Article 12	209 - 293	52
Articles 13 and 14	294 - 371	71
Article 15	372 - 391	88
List of annexes		94

Article 1

1. In Venezuela elections are held every five years to elect the President of the Republic and the members of the two Chambers of the National Congress (senators and deputies). Elections are also held every three years to elect the governors of the States, regional parliaments (the Legislative Assemblies of the States), mayors and municipal councils. Through these periodic electoral processes, administered by an independent body called the National Electoral Council and governed by the Organic Suffrage and Political Participation Act, the people exercise their sovereignty and participate in the determination of their political system, the choice of their government and their institutional development.

2. In the National Constitution (sixth preambular paragraph), the Republic of Venezuela declares its determination to live in harmony and to cooperate with all other nations of the world and especially with the Republics of the hemisphere, on the basis of mutual respect for sovereignty, the self-determination of peoples, the universal guarantee of the individual and social rights of the human person, and the repudiation of war, conquest and economic predominance as instruments of international policy. In compliance with this declaration and as a member of the United Nations and of the Organization of American States (OAS), Venezuela has undertaken to carry out, and has effectively carried out, its obligations to defend, respect and ensure respect for its self-determination and, in turn, to recognize and respect the sovereignty and integrity of other States.

3. The Constitution declares that its aims include: "...maintaining the independence and territorial integrity of the nation, strengthening its unity, ensuring the freedom, peace and stability of its institutions"; "protecting and uplifting labour, upholding human dignity, promoting the general well-being and social security; achieving the equitable participation of all in the enjoyment of wealth, according to the principles of social justice, and promoting the development of the economy in the service of man"; "supporting the democratic order as the sole and inalienable means of ensuring the rights and dignity of citizens and favouring their peaceful extension to all the peoples of the earth".

4. The basic provisions of the Constitution also state that "the Republic of Venezuela is irrevocably and forever free and independent from any domination or protection by a foreign Power" (art. 1); that it "is a federal State, within the terms embodied in the Constitution" (art. 2); that "the Government of the Republic of Venezuela is and always shall be representative, responsible and alternating" (art. 3); and that "sovereignty resides in the people, who exercise it by means of suffrage, through the organs of government" (art. 4).

5. Various articles of the Constitution indicate the way in which Venezuela defines and implements the right to self-determination. These articles state that: "the national territory is that which belonged to the Captaincy General of Venezuela before the political transformation initiated in 1810, with the modifications resulting from treaties validly concluded by the Republic"; "the sovereignty, authority and vigilance over the land, the territorial sea, the contiguous maritime zone, the continental shelf and the air space, as well as

the ownership and exploitation of property and resources contained therein, shall be exercised by the Republic to the extent and under the conditions determined by law" (art. 7); "the national territory may never be ceded, transferred, leased or alienated in any way, even partially or temporarily, to a foreign Power. Foreign States may acquire, within an area previously determined by the Republic, under guarantees of reciprocity and with limitations established by law, only real property that is necessary for the seat of their diplomatic and consular representation. The acquisition of real property by international organizations may be authorized only in accordance with conditions and restrictions established by national legislation. In all these cases, sovereignty over the land is retained" (art. 8).

6. With regard to the right to economic development, articles 95 and 98 of the Constitution stipulate, respectively, that the economic system of the Republic shall be based on principles of social justice guaranteeing to all a dignified existence useful to the community, that the State shall accordingly promote economic development and diversification of production in order to create new sources of wealth, increase the income level of the population and strengthen the economic sovereignty of the country, and that the State shall protect private initiative without prejudice to its power to enact measures with regard to the planning, rationalization and promotion of production and the regulation of the circulation, distribution and consumption of wealth, in order to stimulate economic development.

7. As far as social development is concerned, article 72 of the Constitution establishes the obligations of the State to protect associations, corporate bodies, societies and communities that have as their purpose the better fulfilment of the aims of the individual and of society, and to promote the organization of cooperatives and other institutions devoted to the improvement of the public economy. Moreover, in title III, chapter IV, (arts. 72 to 94), the Constitution establishes social rights more broadly.

8. The legislation of the Republic also establishes rules relating to the participation of foreign capital in national economic development (article 107 of the Constitution). In accordance with the Constitution, without the approval of Congress no contract involving the national interest may be entered into, except those that are necessary for the normal conduct of the public administration or those permitted by law. They may in no case relate to the granting of new concessions of hydrocarbons or other natural resources specified by law, unless the Chambers, in joint session and having been duly informed by the National Executive of all the pertinent circumstances, authorize them under the conditions which they establish subject to the fulfilment of the legal formalities. Likewise, no contract involving the national, state or municipal interest may be entered into with foreign States or public agencies, or with companies not domiciled in Venezuela, nor may it be transferred thereto without the approval of Congress (article 126 of the Constitution). In contracts involving the public interest there shall be incorporated, even if not expressly stated, a clause by which any questions and disputes which may arise concerning such contracts and which are not amicably settled by the contracting parties shall be decided by Venezuelan courts, in accordance with the laws of the Republic, and they may not for any reason or cause give rise to foreign claims (article 127 of the Constitution).

9. Venezuela, which attained political independence early in the nineteenth century, has maintained and strengthened its economic independence, particularly in recent decades, in accordance with the spirit of article 1, paragraph 2, of the Covenant. In this connection, it is important to mention the Iron and Petroleum Industries Nationalization Act, in the mid-1970s, and the creation of the competent State corporations to administer it. Internationally, Venezuela is engaged in wide-ranging diplomatic activity, within the framework of regional and subregional groups and groups of developing countries, with a view to laying the foundation for a new international economic order and improving economic cooperation between countries.

10. Venezuela has from the outset supported and defended the decolonization process initiated by the United Nations since its creation in 1945 and, in particular, since the establishment in 1961 of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, known as the United Nations Decolonization Committee. Venezuela's policy with regard to decolonization is based on the principles set forth in the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960), which establishes the right of all peoples to self-determination, complete freedom and independence, the exercise of sovereignty and territorial integrity.

Article 2

Paragraph 1

11. The social and economic policies applied by Venezuelan Governments since the restoration of the democratic system of government on 23 January 1958 have been directed towards the progressive attainment of the general well-being of the population without discrimination of any kind. To that end, the 1961 Constitution includes chapters enumerating social rights (arts. 72 to 94) and economic rights (arts. 95 to 109). Laws, regulations, decrees and resolutions developing the rights set forth in the Constitution have also been adopted. Venezuela is a party to most of the international instruments in which such rights are affirmed. The political decisions and administrative measures taken to implement the rights recognized in the Covenant will be described in the course of this periodic report.

Paragraph 2

12. Venezuela is, and has been throughout its history, a country of immigration. Since attaining independence in the nineteenth century, it has received European immigrants, but it was, in particular, after the end of the Second World War that this European immigration reached considerable proportions. Since then, and owing to the economic possibilities it offered and its democratic political development, Venezuela has received immigrants also from other countries in Latin America and the Caribbean. Today, the groups of immigrants together account for approximately 20 per cent of the total population of the country.

13. Foreigners who are legally resident in the territory of the Republic have the same rights and obligations as Venezuelans, with the limitations and

exceptions established by the Constitution and by legislation. It should be pointed out that political rights are exclusive to Venezuelans, but foreigners may vote and be elected in municipal elections.

Article 3

14. In the 1940s, women's rights began to be recognized in Venezuela, starting, in particular, with the reform of the Civil Code in 1942 and the political, social and legal changes which occurred in Venezuela starting in 1945. In 1946, women's right to vote was established and women were elected members of Congress for the first time. The 1961 Constitution, which is still in force, gives women the same rights as men. In 1964, a woman was appointed to the Cabinet for the first time. In addition to occupying high-level posts in the executive, legislative and judicial branches, women have also been state governors, mayors, senators, deputies, ambassadors, and so on. In 1974, the involvement and advancement of women in public affairs gained headway with the establishment of the first Women's Advisory Commission attached to the Office of the President of the Republic, and this Commission organized the First Venezuelan Women's Congress. In 1979, the Government appointed a Minister of State for the participation of women in development, who submitted to Congress proposals for the reform of the Civil Code. The year 1984 saw the creation of the National Office for Women's Affairs, attached to the Ministry of Youth. In 1987, the Ministry of Youth became the Ministry of the Family, and the Sectoral Office for the Advancement of Women was set up. Finally, in 1989, the Ministry for the Advancement of Women was created and made responsible for the coordination and organization of programmes aimed at ensuring the participation of women in all activities on an equal basis with men.

15. Venezuela is a State party to the Convention on the Elimination of All Forms of Discrimination against Women. As such, and in accordance with article 18 of the Convention, in 1995 it submitted its third periodic report to the Committee on the Elimination of Discrimination against Women (CEDAW/C/VEN/3). That report and the second periodic report to the Human Rights Committee (CCPR/C/37/Add.14) described the advances made in recent years to eliminate all forms of discrimination against women in Venezuela.

16. Those reports set out and explain the legal framework which, on the basis of article 61 of the Constitution, establishes the principle of the political, social and legal equality of all Venezuelans, without discrimination based on race, sex, creed or social condition.

17. The reform of the Civil Code in 1982 established equality between spouses. The Code states that, upon marriage, "the husband and wife shall acquire the same rights and shall assume the same obligations" (art. 137), a principle which is followed by a set of provisions that develop it, of which mention should be made of those concerning decisions relating to family life and the marital home (art. 140), the ownership and administration of common property (art. 168) and the equality of parents vis-à-vis their children in law, especially in matters of parental authority and guardianship and custody (art. 192).

18. The reform of the 1990 Organic Labour Act established special measures aimed at ensuring equality between men and women in matters relating to employment. The constitutional principle of the equality of men and women in

employment was reaffirmed and developed and it was stipulated that "female workers shall enjoy all the rights that this Act and its regulations guarantee to workers in general, and they may not be the subject of any differences with regard to remuneration or other conditions of employment. The foregoing shall not apply to rules specifically laid down for the protection of women in connection with their family life, health, pregnancy and maternity" (art. 379). In the new Organic Labour Act (in force since 19 June 1997), which abolished the 1990 Act, the prohibition of any gender-based discrimination in employment is reaffirmed (art. 26) and the whole of title VI (arts. 379 to 395) is devoted to the regulation of the protection of maternity and the family in employment. (See annex 1: Organic Labour Act of 19 June 1997.)

19. The reform of the Penal Code in 1964 certainly signified an important advance in some areas, although it still retained discriminatory provisions and inequalities between men and women. The visible inequalities include inequality in the consideration of the offence of adultery: inequality in the penalties for men and women for crimes of adultery with regard to uxoricide on the grounds of honour; and the mitigation of the penalty when the victim of rape is a prostitute. The elimination of these and other provisions of the Penal Code, which clearly establish discrimination and inequality between men and women, has been requested. In 1980, the Supreme Court of Justice declared null and void article 423 of the Penal Code, the first part of which established that "a husband who catches his wife and her accomplice in adultery and kills, injures or ill-treats one or both of them shall not incur the normal penalties for homicide or injury". It is expected that a forthcoming reform of the Penal Code, which has already been proposed, will finally eliminate all other inequalities and types of discrimination.

20. The main purposes of the Equal Opportunities for Women Act (annex, Gaceta Oficial Extraordinaria 4,635), adopted on 28 September 1993, are to guarantee women the full exercise of their rights and to establish the Independent Women's Institute, which has separate legal status, its own assets and standing bodies which deal with the formulation, execution, discussion, coordination, monitoring and evaluation of policies and issues relating to the status and situation of women. The Act also provides for the creation of the institution of the National Office for the Defence of Women's Rights, which is responsible for ensuring compliance with and awareness of the laws and for providing free legal aid in the defence of such rights.

21. The Organic Magistrates' Courts and Related Procedures Act, adopted in August 1995, stipulates that justices of the peace shall, on the basis of conventional wisdom and equity, resolve, inter alia, domestic disputes in such matters as alimony, physical abuse in disciplining, violence, maltreatment within the family and disagreements with neighbours.

22. The Act approving the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ("Convention de Belém do Pará") (Gaceta Oficial 35,632, annex 2) was adopted on 16 January 1995. On the basis of the ratification of this Convention, the bicameral Women's Commission of the Venezuelan Parliament prepared a draft Act on violence against women and within the family, which was transmitted by the Commission to the leadership of the Congress of the Republic in November 1996 (see annex 3).

23. Other inequalities between the rights of men and women which had been retained in the Code of Criminal Procedure, the Intellectual Property Act and the Copyright Act have been eliminated.

Measures to eliminate discrimination against women

24. The national organization responsible for the equality of rights of women in Venezuela is the National Women's Council (CONAMU). It was established by Presidential Decree on 22 December 1992 as a standing presidential commission (annex 4, Decree 2,722 of 22 December 1992).

25. The National Women's Council has the following duties and functions:

(a) To steer the formulation and execution of policies and sectoral plans in all institutions of government towards the promotion of de facto and de jure gender equality;

(b) To investigate situations where discrimination against women is in evidence, and formulate recommendations and/or suggest appropriate procedures for its elimination;

(c) To propose the necessary legislation to ensure the development of the constitutional principle of gender equality and the elimination of discrimination;

(d) To cooperate with the agencies of the central and decentralized government authorities in action undertaken by them to eliminate discrimination against women;

(e) To promote appropriate training and awareness mechanisms with a view to the reinforcement, among all members of society, of attitudes and conduct based on mutual esteem, equal treatment and enhancement of the status of men and women within society;

(f) To encourage and foster the development of scientific knowledge, systematized information and literary and artistic expressions that will promote or contribute to the attainment of full de facto and de jure equality between men and women;

(g) To assist public-sector organizations in obtaining the financial resources required for the execution of gender policies and relevant programmes, and cooperate in coordinating the allocation of those resources to organizations and programmes requiring them;

(h) To promote, among public-sector organizations, the improved provision of necessary services to women in the legal, socio-economic, socio-political, socio-cultural and socio-domestic spheres that are required for the discharge of their responsibilities;

(i) Any duties or functions that may be assigned by law.

Articles 4 and 5

26. Venezuela fully recognizes and complies with the provisions of the statement in article 4 of the Covenant. Moreover, the International Covenant on Economic, Social and Cultural Rights, as well as the other international human rights instruments, have been incorporated into the positive domestic legislation in force, approved as an Act of the Republic by the National Congress and ratified accordingly. The rights stipulated in the Covenant are therefore "automatically enforceable", since they can be invoked before the judicial and administrative authorities and the judges of the Republic can and must apply those instruments without any need for internal legislation to develop their principles.

27. Both in its Constitution and in its legislation and in practice Venezuela recognizes that international human rights standards constitute a catalogue of minimum guarantees which can allow of no restriction upon or derogation from any of them on the pretext that the Covenant does not recognize such rights or that it recognizes them to a lesser extent. Article 50 of the Constitution of Venezuela provides an extensive interpretation in favour of the individual in the following terms: "the enunciation of rights and guarantees contained in this Constitution must not be construed as a denial of others which, being inherent in the human person, are not expressly mentioned herein". This provision is interpreted as meaning that "all other rights inherent in the human person", in other words all those set forth in the international human rights instruments ratified by Venezuela, have constitutional standing.

28. A second aspect relates to the responsibility of the State to guarantee that such rights are equally respected by all groups and individuals acting under its jurisdiction. The violation of the rights set forth in the Covenant must therefore be respected equally not only by the State or its agents, but also by individuals. It is for that reason that Venezuelan legislation provides for penalties when groups or individuals undertake activities or carry out acts directed towards the destruction of any of those rights.

29. In accordance with the Venezuelan Constitution and its interpretation, the human rights standards set forth in the Covenant constitute a catalogue of minimum guarantees. Thus, just as in the interpretation of the Constitution, the international human rights instruments express the idea that the rights and guarantees offered by it constitute a minimum catalogue, which does not allow of any restriction or derogation on the pretext that any of those instruments does not recognize the rights or recognizes them to a lesser extent. Thus, the interpretation is a broad one, in favour of the individual. This characteristic constitutes the basis for the maintenance of the applicable principle of interpretatio pro homine or pro libertatis.

Article 6

30. Venezuela is a party to the following ILO Conventions which relate to employment policies:

- ILO Employment Policy Convention, 1964 (No. 122);
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Right to work

31. Article 84 of the Constitution states that "everyone has the right to work. The State shall endeavour to ensure that every fit person may obtain employment that will provide him with a suitable and decent living. Freedom to work shall not be subject to any restrictions other than those established by law".

32. The law conceives of work as a duty and a right. Articles 23 and 24 of the Organic Labour Act establish the duty and right to work in the following terms: "Any fit person has a duty to work, within the limits of his capacities and possibilities, to provide him with a living and to benefit the community" (art. 23) and "Any person has the right to work. The State shall ensure that any fit person may obtain employment that will provide him with a suitable and decent living" (art. 24).

Measures taken by the State to ensure that work is available for all those who are prepared to work and who seek work

33. Article 25 of the Organic Labour Act states that: "The State shall endeavour to create and promote favourable conditions to ensure the highest possible level of employment ...". The measures taken by the State to comply with that provision include the following:

(a) Measures aimed at stimulating public and private investment in priority areas for the development of the country. To this end also, plans for public investment in infrastructure projects and projects to expand services are being carried out by both the central Government and the regional and local governments;

(b) Incentives to encourage and promote non-traditional exports, such as subsidies to producers and tax exemptions (the petroleum, iron and aluminium industries, which have been Venezuela's principal export products in recent decades, are regarded as traditional exports);

(c) The recent policy of opening up the petroleum industry, which in practice has been reflected in new private investment, foreign or domestic, in the various phases of petroleum production and which is having a positive chain effect on other economic activities;

(d) Special measures to stimulate the expansion of the tourist industry through tax incentives, tax exemptions, credits to public institutions for the

construction of hotels and other tourist infrastructure facilities, the creation and maintenance of duty-free zones, free ports, and so on;

(e) Measures to increase agricultural development through the maintenance of a credit portfolio with preferential interest rates for investment in the field, tariff relief for agricultural machinery, tax exemption for sales of agricultural products, the establishment of minimum prices at the producer level, the improvement of rural roads, the development, construction, operation and maintenance of irrigation systems, and so on;

(f) Efforts to maintain control of clandestine immigration with a view to averting an imbalance in the national labour force between supply and demand, as well as unfair competition;

(g) Measures to link the content of formal education to the needs of the labour market, tending towards education for employment;

(h) Expansion of training programmes for the labour force, in compliance with the legal standards in force concerning the recognition, through the formal system, of courses and apprenticeships conducted by the parasystem, in order to link the formal education system to the informal system, and so on.

34. These policies aimed at creating sources of employment are accompanied by a series of compensatory relief programmes for the most vulnerable groups, such as the establishment of minimum wages, the expansion and restructuring of labour training programmes, the programme to promote comprehensive education, and the reactivation of Pyme (Pequeña y Mediana Empresa (Small and Medium Enterprises)).

35. Among these policies aimed at expanding labour sources, mention might be made of the programme for the support of microenterprises, which was initiated in 1951 by a foundation (Fundación Eugenio Mendoza) and subsequently managed by the State. The purposes of this programme are to offer guidance and training and provide credit and technical assistance to microenterprises. The programme is carried out with the support of civil community organizations and with funding provided by the United Nations Development Programme and the Inter-American Development Bank.

36. Annexed is a copy of the report submitted by the Government of Venezuela in accordance with the provisions of article 22 of the Statute of the International Labour Organisation, covering the period ending 1 June 1996, concerning the measures taken to give effect to the provisions of the Employment Policy Convention, 1964 (No. 122), which has been ratified by Venezuela (annex 5).

37. Nevertheless, difficulties have been encountered in achieving a situation of full employment and this has, in the first place, generated a relatively high rate of unemployment and a very high level of participation of the informal sector in the labour force. Among these difficulties, mention might be made of the following:

(a) The workers do not make optimal use of the opportunities offered them for training, education and apprenticeships;

(b) There is still a certain preference for bureaucratic and office work over technical and production work;

(c) There is a tendency on the part of employers to use highly technological machinery to save labour;

(d) There is a certain rigidity in legislation governing employment, working conditions and wages which creates certain fears and some resistance in employers;

(e) There is a lack of information on the labour market and a lack of geographically mobile labour resources;

(f) Collective bargaining limits the free choice of employment by granting trade unions a monopoly in decisions on the hiring of new workers, and so on.

38. Some of these barriers have been overcome by information and vocational guidance policies promoted by State organizations and by the deregulation of labour standards. However, the unemployment and informal labour figures remain high:

Evolution of the rates of unemployment and participation of the informal sector in the labour force, 1989-1996

Year	Unemployment (%)	Informal sector (%)
1989	9.6	41.8
1990	9.9	37.4
1991	8.7	36.9
1992	7.1	36.8
1993	6.3	38.0
1994	8.5	44.8
1995	10.2	43.1
1996	11.1	43.9

Source: Central Coordination and Planning Office (Cordiplán). Sectoral Director-General for Social Policy. Presentation of certain social indicators, 1996.

39. In April 1996, the Government launched Agenda Venezuela, which was conceived as a programme of macroeconomic stabilization and the beginning of a set of structural reforms. The implementation of a combination of exchange and monetary, financial and fiscal policies attained the proposed objective of the free convertibility of currency and tended to strengthen the financial system, bring about a reduction in the fiscal deficit, improve the collection of taxes, and so on. In 1997, a process of stabilization was initiated and this created a favourable climate for domestic and international investment. The manufacturing industry showed signs of recovery, registering an increase in the level of capacity utilized. However, during the first half of 1997 the rate of unemployment remained at 12.1 per cent and the informal employment sector

remained at 48.7 per cent. The unemployment rate among young people is almost twice the general unemployment rate (23.1 per cent).

40. The job creation and promotion programmes planned for implementation during the next five years include the following:

(a) The employment promotion programme includes such aspects as the promotion of associative and independent employment in the denationalization of public sector economic activities; support for the employment initiatives of regional and local governments; the promotion of business links between independent workers; and support for forms of cooperation between independent workers;

(b) Vocational education and training includes the promotion of coordination between the various bodies involved with a view to the creation of a vocational training system; the orientation of training programmes to prepare workers for entry into the labour market; the strengthening of the education and training initiatives of private social development organizations; and the development of advance training and education programmes for young human resources;

(c) The active wage policy is aimed at protecting the quality of employment and stimulating productivity to improve efficiency. The purpose of the guidelines of this policy is to achieve a proper delineation between the interests of the workers and the economic results of enterprises. One method is to take into consideration the two components of wages: the fixed base and the variable, the latter depending on the results of the enterprise. Under the other method, that of wage inversion, workers become partners in the enterprise and can receive advances prior to the end of the financial year and dividends at the end thereof;

(d) Institutional labour market mechanisms operate in two ways: from the Government, mainly through the minimum wage policy, and from civil society, through trade union organizations. This programme includes the strengthening of unionization and collective bargaining, the strengthening of social dialogue as a consensus-building instrument, and the periodic revision of the minimum wage;

(e) Labour mediation refers to the provision of a set of employment services oriented towards achieving the entry of a worker into employment by matching the occupational profile of the person seeking employment to the needs of the employer. This is the final result of a process which includes employment guidance and information, training orientation and vocational guidance. The actions to be taken in this regard include the modernization of the National Employment Service and of labour statistics.

Freedom of employment

41. The Organic Labour Act of 19 June 1997, which abolished previous Venezuelan legal provisions in this area, stipulates, in article 31, that "Everyone is free to engage in the exercise of any activity which is not prohibited by law". This principle of the freedom of employment is reinforced by the provision in article 32 of the Act which protects the exercise of this freedom against third parties by stating that "No one may prevent others from

working or oblige them to work against their will". This freedom is limited by the provision in the single paragraph of article 32, which states: "Only in the event of the infringement of the rights of third parties or of an offence against the rights of society may work be prevented by means of a decision taken by the competent authority in accordance with the law".

42. The exercise of the freedom of employment is associated with other freedoms such as the freedom to engage in trade and the freedom of transit. Thus, article 35 of the Organic Labour Act stipulates that "No one's freedom to engage in trade in employment centres shall be restricted unless this freedom proves, in the judgment of the appropriate Ministry, to be contrary to the interests of the community or to the freedom of the workers; nor shall any charges and taxes other than those established by law be imposed in respect of such engagement in trade", and article 36 of the Act stipulates that "No one shall be denied free transit on the highways and roads leading to employment centres, or the transport thereby of goods, nor shall any tax or charge not provided for by law be imposed in respect of such transit ...".

Discrimination in employment

43. Neither in Venezuelan labour law nor in practice are there any provisions which restrict the hiring of workers based on race, religion, culture or origin. In some cases, however, a tendency has been noted to discriminate on the basis of sex, colour and age, a situation which, if reported by the victims, is immediately investigated and rectified by the authorities.

44. Venezuelan labour law does, however, establish certain distinctions and provide special protections, although these should not be regarded as discriminatory measures: for example, the special provisions to protect maternity and the family and those designed to protect minors, the elderly and the disabled.

45. With regard to the hiring of foreign personnel, preference is given to those who have children in the national territory, or who have contracted marriage with a Venezuelan, or who have established their domicile in the country, or have been resident in the country for a longer period of time. Also, no one may be subjected to discrimination on account of his personal background.

46. In hiring workers, public and private enterprises, works and establishments are obliged, all things being equal, to give preference to the heads of families of either sex in respect of up to 75 per cent of their personnel.

47. From the legal standpoint, there are provisions relating to the hiring of foreign labour and the hiring of personnel to fill posts requiring specific technical knowledge. There are also special provisions aimed at protecting the labour of minors, heads of families, the elderly and the disabled. These provisions are not regarded as discriminatory.

48. The prohibition of any discrimination is set out in the letter and the spirit of the various provisions of the Constitution. With specific reference to the prohibition of discrimination in employment, article 26 of the Organic

Labour Act stipulates that: "Any discrimination in conditions of work based on age, sex, race, civil status, religious belief, political affiliation or social status is prohibited. Offenders shall be punished in accordance with the law. Special provisions to protect maternity and the family and those designed to protect minors, the elderly and the disabled shall not be regarded as discriminatory.

"Paragraph 1: Offers of employment may not contain any references which are contrary to the provisions of this article.

"Paragraph 2: No one may be subject to discrimination with regard to the right to work on account of a criminal record. The State shall endeavour to establish services aimed at the rehabilitation of former prisoners".

49. With a view to preventing and controlling unemployment and avoiding possible inequalities in remuneration, the Venezuelan legislature included two complementary provisions in article 27 of the Organic Labour Act. The first states that at least 90 per cent of both the clerical and the manual workers in the service of an employer with ten or more employees must be Venezuelan. The second states that the remuneration of foreign personnel, both clerical and manual workers, shall not exceed 20 per cent of the total remuneration paid to employees in either category. Article 28 of the Act provides for some exceptions to this general rule.

Human resources training policy

50. A human resources training policy is consistently applied in Venezuela by various departments of the public administration, with assistance from the private sector. The following are among the main human resources training programmes: the National Apprenticeship Programme; the On-the-job Training Programme; the Deduction Programme; and the Youth Training and Employment Programme. In addition to these programmes, training is provided by, inter alia, university, technological and polytechnical institutes, secondary schools and agricultural schools.

Existing technical and vocational training programmes in the country, their effective functioning and their availability in practice

51. The technical and vocational training programmes, as distinct from technical and vocational training provided in universities and technological institutes, are the responsibility of the National Institute for Education Cooperation (INCE), an autonomous organization, attached to the Ministry of Education, which was established in 1959 and has been functioning since then. INCE is the leading body involved in vocational and technical training in Venezuela. Throughout the almost four decades of its existence, it has developed its functions, taking into account the needs of the productive sectors and the economic and social development policies drawn up and planned by the State (annex 6).

52. In accordance with the law establishing it, the Institute has the following purposes:

(a) To promote the vocational training of workers; to contribute to the training of specialized personnel; and to carry out training programmes for unemployed youth;

(b) To contribute to the agricultural training of those graduating from rural schools with a view to training farmers in the efficient use of the land and the other renewable natural resources;

(c) To encourage and develop the apprenticeship of young workers. This purpose can be carried out by creating special schools, organizing apprenticeships in factories and workshops, with the cooperation of the employers, in accordance with their rules;

(d) To collaborate in the campaign against illiteracy and to contribute to the improvement of general primary education in the country, since it helps towards vocational training;

(e) To prepare and produce the material required for the better vocational training of workers.

53. In order to carry out its aims and purposes, INCE relies on the following financial contributions:

(a) A contribution from employers, equivalent to 2 per cent of the total salary, wages, day wages and remuneration of any kind paid to the personnel working in industrial or commercial establishments which are not dependent on the nation, the states or the municipalities;

(b) 0.5 per cent of the annual earnings paid to manual and clerical workers and contributed by them. This amount is withheld by the respective employers and is deposited to the account of INCE with an indication of its source;

(c) A contribution from the State, equivalent to at least 20 per cent of the total amount of the contribution of the employers and the employees; and

(d) Donations and bequests from individuals and bodies corporate.

54. The training programmes are either carried out directly by INCE or delegated to other bodies.

55. The programmes carried out directly are:

(a) Training programme in permanent centres. This teaching method is aimed at meeting training needs, especially in the productive sectors and among unemployed young people, using the different training systems: (i) basic training; (ii) advanced training; and (iii) specialized training. This programme is carried out in the various training centres attached to civil associations, those classified as multi-purpose, industrial and commercial, of which there are a total of 74 distributed on the national level;

(b) Distance training programme. Under this system, INCE conducts basic and supplementary courses in various areas (general training, industrial

relations and management) which are aimed at meeting the training needs of workers in the public and private sectors who, for various reasons, are unable to attend courses personally;

(c) Basic education programme. This programme is not a means of vocational training, but an important means of support which can raise the academic level of the worker, thus making it easier for him to assimilate new technologies linked to his occupation, to grow professionally and to obtain better positions in the employment field, expanding his prospects for personal and professional development and thus improving his quality of life;

(d) Training programme in mobile units. Mobile units constitute a means of training which allows training to be provided throughout the national territory through the planning of teaching activities aimed at meeting training needs in places where INCE has no suitable infrastructure and where costly equipment and installations would be needed to provide training for relatively short periods. INCE has a total of 252 mobile units, specializing in various subjects, located in various places. The specializations include: metallurgy, general mechanics, automobile mechanics, industrial mechanics, electricity, carpentry, maintenance mechanics, electronics and trade. These units offer programmes which provide, inter alia, training in occupational qualifications (oriented towards short-term instruction to generate economic independence); training (aimed at both workers and unemployed young people, where they receive systematic instruction in the theory and practice of an occupation, with a view to improving the conditions of work of the former and helping the latter to engage in productive work); and advanced training (aimed at workers wishing to increase their level of efficiency in their occupation);

(e) Occupational certification programme. In the light of the socio-economic and educational situation which the country is experiencing, INCE, with a view to training the human resources required by the various sectors of the economy, took occupational certification as a valid alternative (project 128 of the Inter-American Centre for Research and Documentation on Vocational Training (CINTERFOR)), the principal aim of which is to ensure the formal recognition of the knowledge, abilities and skills of workers in respect of an occupation, even when they have not attended courses in a vocational training institution. The target population of this programme consists of: (i) workers who have not had the opportunity to receive systematic training in an occupation and have acquired their knowledge through practice; and (ii) those who have taken but not completed courses in technical areas and who wish to enter the INCE vocational training system in order to be certified in a given occupation;

(f) Training programme for supervisors. This programme permits the comprehensive training of middle-management human resources to carry out efficiently the functions and responsibilities involved in supervision. Through the various courses in the programme, the supervisor acquires theoretical and practical knowledge which trains him to make rational use of the factors that make it possible to carry out the productive processes, applying productivity criteria, so that the supervisor is in a position to utilize the equipment, installations and labour which the enterprise places under his responsibility;

(g) Training programme for instructors in enterprises (FIE). This programme is aimed at encouraging and developing vocational training of workers

by means of accelerated methods and courses, using the resources of the enterprise itself. In order to carry out its objectives, the programme relies on the training course for instructors which is designed specifically to train as instructors, over a short period of time, workers who have a good grasp of an occupation;

(h) Training programme for workers (F.deT.). Through this programme, it is possible to use FIE instructors to train workers systematically in an occupation or work-station. This programme, which takes place within an enterprise with the personnel of the enterprise, is supervised by INCE and endorsed by the INCE certification of instructor in an enterprise.

56. The programmes delegated to other bodies are:

(a) The deduction programme. The main aim of this programme, which is provided for in the law and regulations governing INCE, is the vocational training and continuing development of workers in the service of enterprises contributing to INCE. Under the supervision of the Institute, enterprises develop their training and skills programmes and their costs are deducted from the contributions which they must make to the financing of INCE;

(b) National apprenticeship programme. This programme constitutes a method of training the fundamental purpose of which is to train the skilled labour needed by the productive sectors and it is the best method for preparing the future generations to take over which any enterprise requires. Here, the apprenticeship is a delegated function, the enterprise acquires an obligation to employ and teach, or arrange to have taught, a trade or craft to minors selected for that purpose so that the enterprise becomes a means of enabling the apprentice, while working, to acquire systematically and progressively the theoretical and practical knowledge of a skilled trade or craft. In this case, the responsibility of INCE is to organize, supervise and monitor the training process.

57. The following are other training activities covered by INCE:

(a) Special programme for unemployed youth. As a contribution to the general social policies of the Venezuelan State, financed by the central Government through the Ministry of Education and on the basis of agreements with the regional and local governments, INCE carries out special training programmes aimed at fully training young people, between 15 and 24 years of age, who have no vocational training;

(b) Wage-grant programme. This programme, which has been in operation since 1986, is designed to train, through a system of training in the work place, young people between 15 and 24 years of age, provided that (i) they have successfully completed courses given by INCE or formal education courses in technical subjects or courses given at training centres of enterprises; (ii) they are not pursuing other studies; and (iii) their training is related to the occupational activities to which the programme is applied. This programme provides an instrument designed to reduce unemployment rates since it provides enterprises with skilled human resources, and the State, by assuming the financing of the wage-grant for a given period, helps to reduce the costs of the

enterprise. This represents an incentive to include these workers in the labour market;

(c) Agriculture and frontier programme. The aim of this programme is to promote and develop training and labour skills activities within the agricultural structure which involves the peasant and his family, in different socio-economic strata, and the business sector, from the produce of the land at various levels to agro-industry. The training process is governed by the guidelines on vocational training established by INCE but always included in the agricultural development plans drawn up by the Ministry of Agriculture (MAC). The critical situation which has arisen in the frontier zones, especially on the frontiers with Colombia and Brazil, has required immediate joint action by government agencies and civil society in general; training for employment is therefore one of the priority aspects.

58. The achievements of INCE during the period 1985-1995 are summarized in the statistical tables annexed to the report (annex 7).

59. Some members of the economically active population have more than one job, mainly for economic reasons, since they can thus earn more income for themselves and their families. This trend has become more accentuated in recent years as a result of the rate of inflation. This double employment has also been stimulated by the differing working hours, in both the public and the private sector.

Article 7

60. Venezuela is a State Party to the following International Labour Organisation Conventions:

Minimum Wage Fixing Convention, 1970 (No. 131);

Equal Remuneration Convention, 1951 (No. 100);

Weekly Rest (Industry) Convention, 1921 (No. 14);

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106);

Holidays with Pay Convention (Revised), 1970 (No. 132);

Labour Inspection Convention, 1947 (No. 81);

Labour Inspection (Agriculture) Convention, 1969 (No. 129);

Occupational Safety and Health Convention, 1981 (No. 155).

Wages

61. Article 87 of the Constitution establishes the general principles relating to wages in Venezuela. It states: "The law shall provide means conducive to obtaining fair wages; it shall establish norms for ensuring to every worker at least a minimum wage; it shall guarantee equal wages for equal work, without discrimination of any kind; it shall determine the participation that should

pertain to workers in the profits of enterprises; and it shall protect wages and social benefits by making them unattachable in the proportion and cases specified and by any other privileges and guarantees that it may prescribe".

Principal methods of establishing wages

62. The principal mechanism for establishing wages in Venezuela is collective bargaining. Practically all collective contracts include clauses concerning the establishment of wages. In collective bargaining, the role of the State is to facilitate negotiations, monitor that they do not infringe upon guarantees and rights, and standardize the agreements reached.

Minimum wage

63. Until the first half of 1997, the minimum wage was established by a decision of the national executive after consultation with the National Economic Council. With the revision of the Organic Labour Act, which occurred during the second quarter of 1997, the recommendation on the establishment of the minimum wage is made by a tripartite commission composed of representatives of the national Government, the workers' trade unions and the employers' organizations.

64. On account of the inflationary process which the country has experienced in recent years, the law has provided that the Tripartite Commission should revise minimum wages at least once a year, taking into account, among other variables, the cost of the food basket. The Commission has a period of 30 days, from the date it is established in January of each year, in which to adopt a recommendation. It is up to the national executive, after having heard the recommendation of the Tripartite Commission, to establish the minimum wage. The general rule is that wages may be freely established but that, as stated in article 129 of the Act, "in no case may they be lower than the minimum wage established by the competent authority".

65. The payment of a minimum wage lower than that established will be punished by a fine and, in addition, the offending employer will be obliged to reimburse the workers the difference between the minimum wage and the actual wages paid throughout the time they received wages lower than the established minimum wage.

66. Until 1997, other wage scales were established by means of collective bargaining and, in some cases, by government decisions, if agreement was not reached between the employees and the employers. With the adoption of the new Organic Labour Act, these wage scales tend to be established by means of collective bargaining, based on productivity criteria and the economic results of the enterprises.

Equal pay for equal work

67. In Venezuelan positive law, this principle of equal pay for equal work is a constitutional one. Article 87 of the Constitution states this explicitly.

68. Article 135 of the Organic Labour Act develops the constitutional principle by stipulating that: "equal work carried out in the same place, on the basis of the same working hours and in the same conditions shall receive equal wages. In this connection, the competence of the worker with regard to

the category of work that he is engaged in shall be taken into account". This provision, as stated in article 136 of the Act, "shall not exclude the possibility that bonuses of a social nature may be paid on the basis of length of service, regular attendance, family responsibilities, savings of raw materials and other similar circumstances, provided that such bonuses are awarded generally to all employees who fulfil similar conditions".

Fair wages

69. The Organic Labour Act refers on more than one occasion to the concept of fair wages, in particular in article 130, which states: "in establishing the amount of wages for each work category, account shall be taken of the quantity and quality of the service, as well as of the need to allow the worker and his family a humane and decent living" (see annex 8).

Safe and healthy working conditions

70. Employers are obliged to take all necessary steps to ensure that the work takes place in safe and healthy conditions which meet the requirements of the worker's health, in an appropriate working environment conducive to the exercise of his physical and mental faculties. Labour inspectors and controllers who visit workplaces periodically monitor the implementation of this provision, which is contained in article 236 of the Organic Labour Act. Moreover, the Prevention Act, which has been in force since 1986, determines the safe and healthy conditions which are appropriate to various forms of work, especially those which could prove to be injurious to health.

71. Employers must warn workers of the dangers and risks to which they may be exposed in carrying out their work. No worker may be exposed to the effects of physical agents, economic conditions, psychosocial risks, or chemical, biological or other agents without being warned of their nature and of the injury they could cause to his health and without being instructed in the principles of how to prevent such injury.

72. The Act states explicitly that workers should not take their meals at their work site. That is permitted only in exceptional circumstances, in cases where they cannot leave the site. Workers are also prohibited from sleeping at their work site, except in the case of those who must remain there for work reasons or on account of force majeure (article 238 of the Act).

73. Workers in stores, shops, bazaars, bodegas, warehouses and other similar commercial establishments must have seats available to them at their workplaces so that they can rest at times when they have a break in attending to customers. This provision is normally expanded to cover other workers.

74. If the workplace is 30 or more kilometres from the worker's place of residence, the employer is obliged to provide transport free of charge, and in such cases half of the normal travel time is counted as part of the actual working hours.

75. The Act establishes that employers who habitually employ more than 500 workers, whose work takes place in an unpopulated place where they must reside, more than 50 kilometres from the closest populated place, must provide

their workers and their immediate families with sanitary housing which meets all the requirements for habitation and offers at least 10 square metres per person. These employers must also maintain at their own cost: (a) a first aid post properly equipped to provide first aid to those injured in accidents and to the sick and to combat local epidemics, with the necessary drugs for prevention and cure, including sera for snake bites in rural areas and other similar drugs; (b) a doctor and a pharmacist for every 400 workers or fraction thereof over 200.

76. Employers who employ more than 1,000 workers whose work takes place in a remote area more than 100 kilometres from a town with hospital services or more than 50 kilometres when those services cannot be used in an emergency since there are no means of communication to make that possible, must maintain a health centre or establishment equipped with all the necessary elements for medical, surgical or pharmaceutical treatment, as determined by the health authorities in accordance with the legal provisions (see annex 9).

Working hours

77. Law, jurisprudence and practice in worker-employer relations in Venezuela understand "working hours" to mean the time during which the worker is available to the employer and cannot dispose freely of his activities and his movements. The worker is considered to be at the disposal of the employer from the moment he arrives at the place where he is to carry out his work, or where he must receive orders or instructions regarding the work he is to carry out each day, until such time as he can freely dispose of his time and his activities (article 189 of the Organic Labour Act).

78. When, on account of the nature of the work carried out by the worker, he cannot absent himself from the place where he provides his services during the hours of rest and during mealtimes, the duration of those rest hours and mealtimes are included in the regular working hours. In that connection, it is understood that work which is of such a nature that it does not permit the worker to absent himself from the place where he provides his services is that which requires his presence at the work site, or that which makes is necessary for him to remain there to await orders from the employer, or an emergency. The duration of mealtimes and rest hours in canteens established by the employer are not included in the regular working hours. Nor is the duration of rest hours and mealtimes of workers in maritime, river or lake shipping or air transport included in the working hours.

79. When the employer is obliged by law or by agreement to transport workers from a given site to the place of work, half of the normal travel time is included in the regular working hours, except when the trade union and the employer agree not to do so in return for the payment of the corresponding remuneration.

80. When the work relationship has been agreed upon as part-time or for less than the full working hours, the wages payable to the worker are considered satisfactory when he receives the appropriate proportion, except when the parties agree on a proportion more favourable to the worker.

81. On the day shift, the duration of the working hours may not exceed eight hours a day and 44 hours a week. On the night shift, the hours may not exceed seven hours a day and 40 hours a week, and on the intermediate shift, the hours may not exceed seven and a half hours a day and 42 hours a week. For this purpose, the day shift is considered to be that worked between 5 a.m. and 7 p.m.; the night shift that worked between 7 p.m. and 5 a.m.; and the intermediate shift that which includes periods of both day and night work, although when this shift includes a period of night work of more than four hours it is considered to be a night shift.

82. The law establishes various exceptions to the rules governing the duration of the working hours:

(a) The national executive is authorized to determine, by a special resolution, those types of work in which the night shift might be extended, the extra time being paid as regular night work;

(b) By agreement between employers and workers, a workday of up to nine hours may be established, provided that the weekly limit of 44 hours is not exceeded, for the purpose of establishing a five-day work week;

(c) The national executive is also empowered to establish a shorter workday for those types of work which require an exceptional effort or which are carried out under dangerous or unhealthy conditions;

(d) The following are not subject to the rules and limitations on the duration of working hours: those in management and responsible positions; those engaged in inspection and monitoring whose work does not require a continuous effort; workers who carry out types of work which require only their presence, or who carry out discontinuous or essentially intermittent work which involves long periods of inaction during which those doing the work are not required to carry out any physical activity or pay continuous attention but only to remain at their posts to respond to any calls; and those carrying out functions which by their very nature are not subject to working hours; and

(e) The normal duration of working hours may also be extended in types of work such as the following:

(i) Preparatory or complementary work which must necessarily be carried out outside the limits indicated for the general work of the enterprise, installation, establishment or work site;

(ii) Work which, for technical reasons, cannot be interrupted at will or which has to be carried out in order to avoid the deterioration of the materials or products or in order not to jeopardize the results of the work;

(iii) Work which is essential to coordinate the work of two teams which relieve each other;

(iv) Work required in connection with the preparation of inventories and stocktaking, bills due, liquidations, settlements and accounts;

(v) Extraordinary work resulting from particular circumstances such as the need to carry out or complete an urgent job or to meet the demands of the market, including an increase in the demand of the public consumer at certain times of the year; and

(vi) Special work such as repairs, modifications or the installation of new machinery, the laying of water or gas pipelines or electric power lines or cables.

83. The normal duration of the workday may also be extended at enterprises, installations establishments or at work sites where the work is subject to seasonal fluctuations, under conditions and limits established by the authorities.

84. When the work is necessarily continuous and is carried out by shifts, the duration of the working hours may exceed the daily and weekly limits provided that the total number of hours worked by each worker during a period of eight weeks does not exceed the legal limits.

85. The limit of the regular working hours may be raised in the event of an accident which has occurred or is imminent or in cases of emergency work which must be carried out on the machinery or installations, or in other similar cases of force majeure, but only to the extent necessary to avoid a serious disruption of the normal operation of the enterprise.

86. Work which exceeds the regular working hours is to be paid as extra work.

87. Workers may be required to work over the limit of the regular working hours in order to make up working hours lost on account of collective interruptions of the work resulting from accidental causes and force majeure or from atmospheric conditions. In such cases, the work is to be made up in a maximum of 20 days a year and one hour a day.

88. In types of work which are not a continuous process, the working hours may be interrupted each day for a rest period of at least half an hour, but work may not continue for more than five hours at a stretch.

89. All these established limits to the working hours may be modified by agreement between employers and employees, but in such cases provisions must be established in advance to compensate for overtime, and the total number of hours worked during a period of eight weeks must not exceed an average of 44 hours a week.

Special working hours

90. The regular working hours may be extended by the provision of services at special times subject to a permit which must be obtained from the work inspectors. The duration of the work in special working hours is, however, subject to the following restrictions: (a) it may not normally exceed 10 hours a day; and (b) no worker may work more than 10 special hours a week nor more than 100 special hours a year.

Workdays

91. All days except public holidays may be workdays. The public holidays are: Sundays; 1 January, Maundy Thursday, Good Friday, 1 May and 25 December; those specified in the National Holidays Act (a total of four); and those which have been, or may be, declared holidays by the national Government, by the states or by the municipalities, up to a maximum of three a year. During holidays, work is suspended and enterprises, work sites and establishments remain closed, except for activities which cannot be interrupted for reasons of public interest, technical reasons or fortuitous circumstances.

92. The weekly break is paid by the employer in the case of employees who have worked during the workdays of the week. This right is not lost if the employee misses only one day during the week.

Vacations

93. On the completion of one continuous year of work, the employee has the right to a period of 15 vacation days. For each successive year, he will have an additional day up to a total of 15.

94. If the enterprise has a system of collective vacations when work is suspended for a certain number of days a year, for each employee those days will be counted as annual vacation days. In the case of institutions which, because of the characteristics of the service they provide or the nature of their activities, must remain open and in operation throughout the year, the employees and the employers may agree on a system of staggered collective vacations.

95. When an employee receives food or lodging or both from his employer as part of his regular remuneration, he has a right, during his annual vacation, to continue to receive them or their value instead, the value being established by agreement between the parties taking into account the cost of living, the amount of the wages and other concurrent factors.

96. The wages corresponding to vacations must be paid at the beginning of the vacation. In addition to the wages corresponding to the vacation, employers must, on the occasion of the vacation, pay the employee a special bonus for his own use equivalent to a minimum of seven days' wages plus one day for each year of service up to a total of 21 days' wages.

97. When for any reason the working relationship ends without the employee having taken his vacation, the employer must pay him the corresponding wages.

98. The employee must in fact take his vacations. Vacations may not be relinquished. The employee who carries out paid work during the period of his annual vacation loses his right to be paid the corresponding wages during his vacation time (see annex 11).

Article 8

On the freedom of trade unions

99. Venezuela is a State party to Conventions Nos. 87, 98 and 151 of the International Labour Organisation. In articles 90 and 91, the Constitution establishes the general principles of the freedom of trade unions. Article 90 states that: "The law shall favour the development of the collective relationships of labour and shall establish adequate regulations governing collective negotiations and the peaceful settlement of disputes. Collective agreements shall be supported and the union clause may be included in such agreements, under the conditions prescribed by law". Article 91 states: "Unions of workers and of employers shall not be subject to any requirements, as to their existence and operation, other than those established by law for the purpose of ensuring the better accomplishment of their proper functions and guaranteeing the rights of their members. The law shall protect in their employment, in a special manner, the promoters and directors of labour unions during the time and under the conditions required to ensure the freedom of such unions" (see annex 12).

100. Article 397 of the Organic Labour Act states that "The trade union organization constitutes an inviolable right of workers and of employers. Trade unions and trade union federations and confederations shall enjoy autonomy and shall have the special protection of the State in order to achieve their aims".

101. Articles 443 to 448 of the Organic Labour Act establish the measures to protect trade union freedom, including the prohibition of interference by employers and the regulation of trade union recruitment of workers, discounts for the payment of trade union dues, the right of affiliation and the expulsion of members of trade unions.

102. The Act also establishes the authority of trade unions with regard to both the non-removability of workers during the process of the constitution of a trade union and the non-removability of members of the executive committees and of candidates during trade union elections. The regulations also cover, in detail, the legal procedure governing the dismissal of a worker with trade union authority.

103. Trade unions must have as their objective the study, defence, development and protection of the occupational or general interests of the workers and of production, depending on whether they are trade unions of workers or of employers, and the social, economic and moral advancement and defence of the individual rights of their members. Even when this is the standard established by law, workers' trade unions in Venezuela, as in many other parts of the world, have political links to different political parties.

104. Only workers over 18 years of age may establish trade unions, or join those already established, and participate in trade union management and administration. A foreigner with more than 10 years' residence in the country may join an executive committee and hold an office with trade union responsibilities.

105. Trade unions must be of a permanent nature and the law does not permit them to be constituted on a temporary basis for specific purposes.

Types of trade unions

106. Trade unions may be of workers or of employers. Trade unions of workers are: (a) of an enterprise; (b) occupational; (c) industrial; and (d) sectoral, such as commerce or agriculture or any other branch of production or services.

107. Trade unions of an enterprise are composed of workers of any occupation or trade who work for the same enterprise, including its branches in different localities and regions. Occupational trade unions are those which are composed of workers in the same occupation or trade, or those engaged in a similar or related occupation or trade, even though they may work either in the same or in different enterprises. Industrial trade unions are those composed of workers who work for various employers in the same branch of industry, even when they are engaged in different occupations or trades. Sectoral trade unions are composed of workers in various enterprises in the same commercial, agricultural, production or service branch, even when they are engaged in different occupations or trades.

108. From the standpoint of the area they cover, trade unions may be local, state, regional or national. The law explicitly states that the existence of national trade unions may not be interpreted as precluding the right of workers to create or maintain regional trade unions or trade unions of an enterprise in the branch concerned.

The constitution of trade unions

109. Twenty or more workers of an enterprise may constitute a trade union of an enterprise. The same number is required to constitute a trade union of rural workers. Forty or more workers engaged in the same occupation, trade or type of work or in similar or related occupations, trades or types of work, or who are employed in enterprises in the same industrial, commercial or service branch may, depending on the case, constitute an occupational, industrial or sectoral trade union under the jurisdiction of a Labour Inspectorate. In the case of the constitution of regional or national trade unions, a minimum of 150 workers is required. Independent workers may join established occupational, sectoral or industrial trade unions and may also form their own trade unions with 100 or more of the same occupation or trade or of similar or related occupations or trades in the same branch or activity.

Registration and functioning of trade union organizations

110. Venezuelan law and practice offer a broad facility for the registration of trade union organizations. Trade unions which operate at the national level are registered with the National Labour Inspectorate, and those organized at the local or state level register with the Labour Inspectorate of their respective jurisdiction. A copy of the charter, a copy of the statutes and a list of the members are required for registration. The procedure for the registration and functioning of trade union organizations is spelled out in articles 420 to 436 of the Organic Labour Act of 1997.

Right to strike

111. Article 92 of the Constitution establishes the right to strike. This right may be exercised provided that the conditions established by law are fulfilled. Articles 494 to 506 of the Organic Labour Act set out the regulations governing the exercise of the right to strike.

112. The Act understands strike to mean "the collective suspension of work by the workers concerned in a labour dispute". The Act also states that "the right to strike may be exercised in the public services ... when the paralysis does not cause irremediable damage to the population or to institutions".

113. Various requirements must be met before workers may initiate a strike:

(a) The strike must be based on a demand made to the employer to take, modify or cease to take measures relating to the conditions and modalities in which the work is carried out so that a collective agreement may be reached or that what has been agreed upon will be carried out;

(b) The trade union, federation or confederation which calls for a strike must represent the majority of the workers of the enterprise, installation or establishment concerned which is involved in the dispute, the dispute being either with the employers or with the occupation or branch of activity, or with the trade union or federation, as the case may be; and

(c) The conciliatory procedures provided for under law and agreed upon in the collective agreements signed must have been exhausted.

114. To safeguard social concerns, the law decrees that if workers are involved in a dispute, even when a strike has been declared, those whose services are indispensable to the health of the population or the conservation and maintenance of machinery the paralysis of which would be detrimental to the subsequent resumption of work or result in serious losses, and those who are responsible for the security and maintenance of work sites are obliged to continue to operate. The workers obliged to continue to perform services will be those strictly necessary to preserve hygiene and safety and the source of work. The trade union and the employers shall agree on the number of workers who should continue to perform services. The Organic Labour Act also establishes specific standards for the exercise of the right to strike by workers employed in aircraft and vehicles (art. 499), workers in ships during navigation (art. 500), and in cases of solidarity strikes (arts. 502 and 503).

115. The law provides that in cases in which a strike, on account of its extension, duration or other serious circumstances, places the life or security of the population or part thereof in immediate danger, the national executive may provide for the resumption of work, in the form required by the general interest; to that end, it must issue a decree indicating the basis of the measure. In such cases, the dispute must necessarily be submitted to arbitration.

116. The time the worker has served shall not be considered as having been interrupted on account of his absence resulting from a collective labour dispute.

117. Employers may not dismiss or transfer an employee nor give him less favourable working conditions or take measures against him on the grounds of his legal activities in connection with a labour dispute. On the other hand, no worker has the right to cause trouble to, or to incite others to a boycott of, his employer or other employers involved in an ongoing labour dispute.

118. Workers involved in a collective labour dispute shall enjoy the right not to be removed during the dispute, under conditions similar to those of workers protected under the trade union charter.

Article 9

119. Venezuela is a State party to the International Labour Organisation Convention on Social Security (Minimum Standards), 1952 (No. 102) and to subsequent Conventions (Nos. 121, 128, 130 and 168).

120. Social security is included among the social rights affirmed in the 1961 Constitution. Article 94 states:

> "A system of social security shall be developed progressively, with a view to protecting all inhabitants of the Republic against industrial accidents, illness, disability, old age, death, unemployment, and any other risks that can be covered by social security, and the burdens arising from family life.
>
> "Persons who lack the economic means and who are not in a position to obtain them shall have the right to public assistance if they are incorporated in the social security system".

121. The contingencies covered by the social security system in Venezuela are: common illnesses; maternity, old-age and disability benefits; survivors' benefits; benefits in respect of industrial accidents and occupational diseases; unemployment benefits; family allowances; and the pension and retirement system.

122. The agency responsible for administering, monitoring and providing social security services in Venezuela is the Venezuelan Social Security Institute (IVSS), which is an independent organization, with its own resources, attached to the Ministry of Labour and with jurisdiction throughout the national territory. It consists of social security units to provide medical services and medicines, and industrial medical units. Its administrative units are: regional accounts, branches, offices, agencies and subagencies.

123. The social security system is under a tripartite administration, in other words, it includes representatives of the State, employers and workers. The owners and managers are represented by the employers' union, the Federation of Chambers of Commerce and Production (FEDECAMARAS). The workers are represented by the three central trade unions which operate in the country: the Confederation of Workers of Venezuela (CTV), the United Confederation of Workers of Venezuela (CUTV), and the Confederation of Independent Trade Unions (CODESA). The State is represented by representatives of the executive power.

124. The funding for IVSS comes mainly from the contributions of employers and workers. The amount collected from contributions represents 70 per cent of its

income. This income is divided between three legally independent funds: the assistance fund, the compensation fund and the pension and other cash benefits fund. There is also the administration fund, which is financed only with contributions from the State to cover the costs of maintenance and administration. Financial and other investments made by IVSS represent a third source of income to cover the costs of the system.

Medical treatment

125. To date, a relatively good decentralization has been achieved in medical services, the provision of drugs and industrial medicine. In the cities in the interior of the country, there are hospitals and ambulatory treatment centres which together provide all of these services. On the other hand, however, there are still some problems since the same degree of decentralization has not been achieved in the administrative sector. This creates difficulties in the coverage of cash benefits and the payment of pensions.

126. The social security hospitals provide medical services, including emergency treatment and treatment for serious accidents. They provide: external general and specialized medical consultations, hospitalization, surgery, odontology, psychological services, and special services.

127. Insured persons, pensioners and family members are entitled to medical treatment for a period of up to 52 consecutive weeks. For members of the families of old-age and disability pensioners, the period is 26 weeks. If an insured person has exhausted his entitlement to medical services, he recovers his entitlement after contributing for 16 weeks; if he contracts another illness, he recovers his entitlement after contributing for eight weeks. In addition to the medical benefit, the insurance also covers compensation for temporary disability in respect of occupational diseases or industrial accidents. An insured person who has suffered an industrial accident or contracted an occupational disease is entitled to compensation during the period of his temporary disability, equal to two thirds of his wages, up to a maximum of 52 weeks. If as a result of an occupational disease, industrial accident or ordinary accident the insured person is permanently disabled, either totally or partially, he is entitled to a pension.

128. A summary of the various kinds of medical services provided in units of IVSS in 1990, for example, shows that: the number of people covered was 7,711,000; the number receiving medical treatment was 7,081,000; there were 12,122,180 consultations; there were 9,060 beds in use; treatment was given for 2,259,491 patient-days; there were 78,803 surgical operations; there were 83,041 attended births; and 7,792 doctors, 4,936 nurses and 9,951 auxiliary nurses were employed in the services.

Survivors' pensions

129. In the event of the decease of an insured person with more than 750 weekly contributions, or of an insured person who died as the result of an industrial accident, or of a recipient of an old-age or disability pension, the immediate family members (spouse, common-law spouse and minor children or disabled children of any age) are entitled to receive a survivors' pension.

Article 10

130. The Constitution defines the obligations of the State with regard to the institution of the family. These obligations are stipulated as follows:

(a) The State shall protect the family as the fundamental nucleus of society, and shall see to the betterment of its moral and economic position. The law shall protect marriage, promote the organization of the unattachable family patrimony, and provide whatever may help every family to acquire comfortable and hygienic housing (art. 73);

(b) Motherhood shall be protected, regardless of the civil status of the mother. The necessary measures shall be enacted to ensure full protection to every child, without discrimination of any kind, from his conception until he is fully grown, under favourable material and moral conditions (art. 74);

(c) The law shall provide whatever may help every child, regardless of his filiation, to know his parents so that the latter may fulfil their duty of aiding, feeding and educating their children, so that childhood and youth may be protected against abandonment, exploitation or abuse. The support and protection of minors shall be the subject of special legislation and of special courts and agencies (art. 75).

131. These constitutional rules have, in turn, been developed in various laws, including the Protection of Minors Act and the Civil Code.

132. Moreover, Venezuela is a party to the following international conventions which are aimed at ensuring the protection of the family:

- International Covenant on Civil and Political Rights;
- Convention on the Rights of the Child;
- Convention on the Elimination of All Forms of Discrimination against Women;
- ILO Convention No. 103;
- ILO Convention No. 138.

133. The report on the rights of the child submitted by Venezuela in accordance with the Convention on the Rights of the Child is attached (annex 13).

134. Various departments of the public administration are responsible for the fulfilment of these obligations of the Venezuelan State with regard to the protection of the family, as follows:

(a) The Ministry of the Family, created in 1987, is responsible for the planning, coordination and execution of the activities of the central State relating to the family and for carrying out and promoting activities designed to protect the family and integrate it into the socio-economic development of Venezuela. These responsibilities are carried out directly and through the following bodies which are attached to the Ministry:

(i) National Children's Institute (INAM);

(ii) National Sports Institute (IND);

(iii) Grand Marshal of Ayachucho Foundation (FUNDAYACUCHO);

(iv) Youth Orchestra of Venezuela Foundation;

(v) Cooperation and Financing of Cooperative Enterprises Fund Foundation (FONCOFIN);

(vi) Social Management School Foundation;

(vii) Foundation for the maintenance of the sports infrastructure (FUMIDE);

(viii) Social Investment Fund (FONVIS);

(ix) Foundation for the Development of the Community and Municipal Public Works (FUNDACOMUN);

(x) Youth and Change Foundation;

(xi) National Council for the integration of disabled persons;

(xii) Social Reinforcement Fund Foundation;

(b) The Ministry of the Family also coordinates the activities of the Permanent Secretariat of the Supervisory Council for the Integrated Care of Children of Workers, and acts as the Executive Secretariat of the National Commission for the Prevention of Early Maternity, the National Commission on Breast Feeding and the National Commission to monitor the social protection component of Agenda Venezuela. The Ministry of the Family is also responsible for the Autonomous National Service for the Integrated Care of Children and the Family (SENIFA), which executes programmes for the care of children and the family at the national level. Also under its supervision are the Office for the Coordination and Execution of the Employment Training Programme for Young People (OCEP) and the Technical Coordinating Office of the Social Development Programme, which is currently being carried out in the country with the financial support of the World Bank and the Inter-American Development Bank;

(c) The Ministry of Education, which in this field executes programmes such as those relating to the food allowance and family allowances, coordinates Children's and Family Centres, and so on;

(d) The Ministry of Health and Social Security, which in this field carries out the following programmes: the Mother and Child Nutrition Programme (PAMI); antenatal and post-natal maternity care; perinatal care; environmental sanitation in rural areas; children's and young people's mental health (INAPSI); family medicine; and maternal and child medicine.

Concept of the family

135. According to article 73 of the Constitution, the family is "the fundamental nucleus of society". The State is obliged to see to "the betterment of its moral and economic position"; to protect marriage; to promote the organization of the family patrimony; and to provide whatever may help every family to acquire comfortable and hygienic housing.

Age of majority

136. In Venezuela minors reach the age of majority for various purposes in accordance with the following provisions:

(a) Article 18 of the Civil Code states that a person reaches the age of majority at 18 years, becoming "an adult ... capable of all acts of civil life, with the exceptions stipulated in special provisions";

(b) Article 2 of the Protection of Minors Act states that its provisions "protect and are applicable to all minors under 18 years of age who are in the territory of the Republic";

(c) Article 46 of the Civil Code states that a man may contract a valid marriage at 16 years of age and a women at 14 years of age, provided that the parents give their consent;

(d) Minors may recognize their children born out of wedlock from the moment in which they reach the age of reproduction, but the authorization of the parents is required in the case of those under 16 years of age. In the case of children born in wedlock, the authorization of the parents is not required since the latter have already given their consent to the marriage, which has automatically resulted in the emancipation of the minor;

(e) With regard to labour, article 247 of the Organic Labour Act stipulates that those under 14 years of age are prohibited from working, but that, exceptionally, in properly justified circumstances, those under 14 years of age but over 12 years of age may be authorized to work on condition that they do work suited to their physical condition and are guaranteed an education (a provision similar to that in article 24 of the Protection of Minors Act). The age for taking up employment or working is therefore 14 years. All those under 16 years of age require the authorization of their parents in order to be able to work. Failing the authorization of the parents, an authorization may be granted by the judge of the juvenile court, the Children's Institute or the primary civil authority in the locality;

(f) Working children may be enrolled in trade unions, but they must be 18 years of age in order to participate in their leadership and administration;

(g) From the age of 14, minors may, with the prior authorization of their parents, hold savings bank-books and may draw on them with absolute freedom;

(h) The Copyright Act (arts. 31 and 32) establishes that male and female children may institute any relevant legal proceedings to protect the works

created by them and to exercise their copyright. However, in order to participate in court actions deriving from their copyright or legal proceedings relating to their works, they require the assistance of their parents or, failing that, the assistance of whoever exercises paternal authority;

(i) The Conscription and Military Enlistment Act stipulates that military service is obligatory from 18 years of age;

(j) Criminal liability is acquired at 18 years of age. A person under 18 years cannot be charged with a criminal offence.

Measures to provide assistance and protection for the family

137. Both the Constitution and other laws of the Republic establish the obligations of the State to afford assistance and protection to the family. Various departments of the public administration, at the national level and in the regions, are responsible in practice for carrying out the relevant programmes.

138. The Ministry for the Family implements on a continuous basis programmes for the protection, promotion and support of breast feeding, the prevention of early pregnancy and care for pregnant adolescents; it maintains family and sexual guidance centres in various places in the country; it maintains the programme of group facilities and day-care centres; and it develops local child-care plans.

139. The Ministry of Education implements various family assistance and protection programmes such as the School Food Programme (food allowance); family allowances; and pre-school care programmes in rural areas.

140. The Ministry of Health and Social Security carries out the following programmes: (a) PAMI (Mother and Child Food Programme); (b) the Antenatal and Post-natal Maternal Care Programme; (c) perinatal care; and (d) children's and young people's mental health; family medicine and children's medicine.

141. The National Children's Institute (INAM) carries out various family protection and welfare activities, especially programmes for families with children. Its activities and programmes include the following: (a) the Family Guidance and Education Programme; (b) the promotion of community organizations; (c) the Sports, Culture and Recreation Programme; (d) care for children and adolescents who have been abandoned and/or are at risk as a result of a family situation or adoption; (e) training; and (f) social welfare in defence of the rights of children and adolescents against any exploitation and ill-treatment to which they may be exposed in their social environment.

142. In addition, INAM implements other programmes:

(a) A family placement programme, which consists in offering boys and girls who have lost, or are lacking the support of, their families a substitute home which will protect them and afford them the necessary opportunities to achieve their full development;

(b) An adoption programme, which is aimed at providing boys and girls who have been found to be abandoned a family which would offer them emotional and material stability, subject to the fulfilment of the necessary legal and other formalities;

(c) A crèche programme, the aim of which is to protect and provide comprehensive care for boys and girls between the ages of eight months and three years who come from homes with limited economic resources and whose mothers work outside the home;

(d) A day-care and kindergarten programme the aim of which is to protect and provide comprehensive care for boys and girls between the ages of three and eight years, who also come from homes with limited resources and whose mothers work outside the home;

(e) The Youth Assistance Programme aimed at prevention and care for children and adolescents who have been abandoned or are in danger or at social and personal risk;

(f) The Community Homes Programme, which is aimed at offering out-of-school training and social welfare for boys and girls between the ages of 7 and 12 years, children of working mothers or those who are in a situation where there is a risk of family breakdown.

143. There are other public agencies in the country distinct from the executive authorities which carry out family protection and welfare functions.

144. The Family and Minors Department of the Public Prosecutor's Office is responsible for ensuring respect for rights and constitutional guarantees and for compliance with the laws which protect and assist the family. Within the family, its activities are directed mainly towards problems between spouses, the annulment of marriages, the acknowledgement of children, and the payment of alimony.

145. The Community Child Care Programme (PACOMIN) began originally in the city of Punto Fijo, in Falcón State, in 1988, by agreement between the Child and Family Research Centre of the Metropolitan University of Caracas and the Bernard Van Leer Foundation (Netherlands). At present, there are eight community centres in operation providing comprehensive care (pre-school education, health and nutrition services) to children between 0 and 6 years of age (see annex 14).

146. Moreover, in Venezuela outstanding work has been done by civil associations and trade union groups in the field of family welfare and protection. These associations and groups include:

Venezuelan Association for Alternative Sex Education (AVESA);

Social Training and Women's Training and Studies Centre (CISFEM);

Coordinating Committee of Women's Non-Governmental Associations (CONGM);

Centre of Women's Studies of the Central University of Venezuela (CEM-UCV);

Venezuelan Family Planning Association (PLAFAM);

"Girl-Mother" Civil Association;

Aledo Foundation;

National Coordinating Committee of Non-Governmental Organizations for Child Care;

Popular Women's Circles;

Popular Action Service Centre (CESAP).

Protection of maternity

147. Maternity is protected in law and in practice:

(a) When the mother works in the formal sector of the economy, she has all the rights which workers in general have except that she cannot be subjected to discrimination of any kind or to differences in remuneration or working conditions on account of her situation as a mother;

(b) It is prohibited to employ pregnant women on work which, since it would require considerable physical effort or for other circumstances, could affect the normal development of the foetus or result in an abortion;

(c) The law establishes, and it is the practice, that women should cease to work six weeks before childbirth, subject to presentation of the appropriate medical certificate. During this period and also for 12 weeks after the birth, or for a longer period is that is required according to the medical opinion, a woman will receive her wages. A pregnant woman may not be removed from her job throughout the period of pregnancy and for up to one year afterwards;

(d) Maternity is protected irrespective of the civil status of the mother;

(e) Enterprises which employ more than 20 women workers are obliged to maintain a day-care centre where mothers may leave their children during the work day. Women workers have the right to two special daily rest periods of half an hour each to breast-feed their children. If there is no day-care centre, such rest periods are of one hour each;

(f) In view of the high number of teenage mothers who may not be in a position to provide their infants with care and the necessary psychological and material stability, in 1992 the State created a special programme to protect teenage pregnancy which is administered by CONAPEP (the National Commission for the Prevention of Early Pregnancy). This Commission is responsible for planning, coordinating and implementing all relevant activities of the various public and private agencies with a view to controlling early pregnancy. The programme is based on the fact that the rate of early pregnancy in Venezuela is the highest among the Andean countries (in 1993, 24 per cent of teenage boys and 35 per cent of teenage girls stated that they had had a child; two out of every

three women (69 per cent) between 15 and 24 years of age had had their first child before the age of 20) (see annex 15)

Specific policies of the Venezuelan State with regard to children

148. Article 73 of the Constitution establishes the protection of the family as the fundamental nucleus of society; article 74 ensures the full protection of every child from his conception until he is fully grown, under favourable material and moral conditions; and article 75 states that the law shall create mechanisms to help every child, regardless of his filiation, to know his parents. It also establishes the special status of minors both in legislation and in jurisdictiion. Article 78 of the Constitution affirms the right to education and establishes the obligation of the State to ensure access to education through the creation of institutions dedicated to that purpose; and article 93 ensures special protection for minor workers.

Convention on the Rights of the Child

149. Venezuela is a State party to the Convention on the Rights of the Child, which it ratified on 29 August 1990. The provisions of that Convention form part of the positive internal law in force, the provisions of which may be invoked before the judicial and administrative authorities.

ILO Convention No. 138

150. Venezuela ratified International Labour Organisation Convention No. 138 in January 1984. This Convention is aimed at eliminating child labour, prohibiting the employment of those under 15 years of age. As is well known, this Convention leaves open the possibility that countries with insufficiently developed economies may reduce the minimum age to 14 years, which, in law and in practice, is the lower limit adopted by Venezuela. With the ratification of this Convention, the prohibition of independent work by minors is incorporated into Venezuelan legislation, since the Labour Act then in force and the Protection of Minors Act apply only to subordinate work (see annex 16).

1995 Decree on the Elimination of Child Labour

151. On the basis, inter alia, of ILO Convention No. 138 and the fact that in September 1996 Venezuela signed a memorandum of understanding with the International Labour Organisation for the purpose of initiating in Venezuela the International Programme on the Elimination of Child Labour (IPEC), the President of the Republic decreed, on 13 August 1997, the creation, on a permanent basis, of the National Commission for the Elimination of Child Labour and the Protection of Child Workers. This Commission is presided over by the First Lady of the Republic and is composed of the Ministers of Education, Health and Social Security, Labour, the Family, Youth, and Planning, and representatives of the Congress of the Republic, the National Children's Institute and the most representative of the national workers' organizations.

152. The functions of this Commission are:

(a) To draw up plans and proposals with a view to designing a national programme comprising the activities and spheres of action of the International Programme on the Elimination of Child Labour (IPEC) in Venezuela;

(b) To take into account other plans and projects which are being developed to eliminate problems in the context of a national policy to combat child labour in the context of the memorandum of understanding between Venezuela and ILO; and

(c) To stimulate and strengthen coordination between the public and private national and international institutions in combating this problem.

New Organic Labour Act

153. The new Organic Labour Act, which entered into force in June 1997, incorporates a series of modifications and advances relating to the regulation of the employment of minors.

154. In general terms, the employment of those under 14 years of age is prohibited, but the national executive authority may decree the establishment of a higher minimum age in occupations and in conditions which it deems appropriate in the interests of the minor.

155. Minors are prohibited from working in mines, foundries, types of employment which are dangerous to life or health, and jobs which are beyond their capacity or which impede or delay their physical and moral development. Minors are also prohibited from engaging in work which could be detrimental to their intellectual and moral development, and in retail liquor shops.

156. Regulations are established regarding the workday, rest periods, the prohibition of night work, equality of remuneration, annual vacations, the possibility of attending school, and so on.

Protection of Minors Act

157. The National Children's Institute (INAM), together with other State agencies and in cooperation with non-governmental organizations, has drawn up a proposal for the partial reform of the Protection of Minors Act. The main purpose of this proposal is to adapt special Venezuelan legislation to the international commitments made by the State in ratifying the Convention on the Rights of the Child. A new draft law has been prepared, with the title of Organic Act on the Protection of Children and Adolescents (annex 17), the chapters of which would be as follows:

1. General principles of full protection, and the rights and freedoms of children and adolescents.

2. Family protection.

3. Violation of the rights of children and adolescents.

4. Children and adolescents who violate the rights of third persons.

5. Organization of the State for full protection for, and the administration of special justice with regard to children and adolescents.

6. Violations of and offences against the rights of children and adolescents.

Measures adopted by the Venezuelan State on behalf of children

Provisions of the Civil Code and the implementation thereof

158. The Civil Code establishes the normal procedure for the registration of births. Article 464 states that the declaration of a birth must be made before the principal civil authority of the parish or municipality within 20 days following the birth. Article 465 states that this declaration must be made by the father or the mother, either personally or through a special agent of either of them; failing that, by the physician or surgeon or by the midwife or any other person who attended the birth, or by the head of the house in which the birth occurred. The birth certificate shall be issued by the authority immediately after the declaration. And article 466 of the Civil Code states that the birth certificate shall indicate the sex and name of the newborn, and if the person declaring the birth does not give a name, the civil authority before whom the declaration is made shall do so.

159. The registry office inscribes in the civil registry the boys and girls who are children of Venezuelans or of aliens with documentation in order, up to the age of three years, obviating the period of 20 days within which the procedure should have taken place. The presentation or registration carried out after the period of 20 days is not deemed invalid, so that the rule stated in article 464 of the Civil Code is technically imperfect. The registry offices reached the conclusion that if the inscription after the period established by the law was not permitted, it would cause serious injury to the children. Custom has extended the period of inscription up to two or three years following the birth.

160. In order to recognize the right to a name and a nationality, the National Registry Office accepts the birth certificates of those boys and girls who have been inscribed in the civil birth registries up to nine years of age, thus making it easier for all those inscribed to obtain identity cards. This Registry Office has devised a procedure to guarantee the right to a name and a nationality to children and adolescents over nine years of age.

Protection of Minors Act and the achievements of INAM with regard to inscription and registration

161. Article 10 of the Protection of Minors Act establishes that the State shall provide the means for the recognition of children and their timely inscription in the civil registry of births, and shall urge those responsible to make the inscription and, failing that, to have it handled by INAM or by the juvenile judge, in accordance with the legal provisions on the matter.

162. INAM has carried out late inscriptions in the civil registry on a massive scale, in cooperation with other State agencies and with non-governmental organizations. In 1995/96 alone, 13,412 boys and girls were inscribed. Of this total, 94 per cent were the children of Venezuelan parents or of a Venezuelan father or mother with an alien partner whose documents were in order, and only the remaining 6 per cent were boys or girls born in Venezuela or abroad, children of aliens illegally in Venezuela.

Family Protection Act

163. Article 1 of the current Family Protection Act of 1961 states that "The declaration of a child and the declaration of the child's birth, when this occurs in a hospital, clinic, maternity hospital or other similar establishment dependent on the State, on State agencies or on independent institutes, may be made to the director of the establishment, who shall give one of the copies to the person making the declaration and transmit another copy as quickly as possible to the primary civil authority of the parish or municipality in whose jurisdiction the birth occurred, so that authority may insert it and certify it in the respective registry; he shall keep the third copy in the records of the institute".

Undocumented children

164. There are, however, still a significant number of undocumented children in Venezuela. It has been determined that the causes of this lack of registration are the following:

(a) The population is not sufficiently well informed about the duty to declare children in a timely manner and about the advantages of doing so in order that they may accede to their rights as citizens;

(b) Limited knowledge of the procedures and requirements for access to the service;

(c) Certain obstacles and difficulties which impede the access of the population to the service: anachronistic procedures, lack of books, absence of the officials responsible for carrying out the procedure, and so on;

(d) The non-application of the provisions of the Family Protection Act with regard to "Births in hospitals, clinics and other public establishments";

(e) Irregular registrations as a result of non-compliance with the established procedures and the forging of documents which raise doubts about their veracity and validity;

(f) The retention and improper collection in social security centres of cards testifying to the birth and the links to the mother.

165. These problems have a negative impact:

(a) A growing number of children without identification, who thus run the risk of not being able to enjoy their essential rights to education, health, social security, and so on;

(b) This situation of children without identification encourages the emergence of errors and irregular procedures and promotes the rise of networks of corruption; and

(c) Insufficient identification increases vulnerability to the offence of trafficking in children.

166. Article 35 of the Constitution deals with nationality and establishes that the following are Venezuelans by birth:

(a) Those born in the territory of the Republic;

(b) Those born in foreign territory of a native-born Venezuelan father and mother;

(c) Those born in foreign territory of a native-born Venezuelan father or a native-born Venezuelan mother, provided that they establish their residence in the territory of the Republic or declare their intention of accepting Venezuelan nationality; and

(d) Those born in foreign territory of a naturalized Venezuelan father or naturalized Venezuelan mother, provided that before reaching 18 years of age they establish their residence in the territory of the Republic and before reaching 25 years of age they declare their intention of accepting Venezuelan nationality.

167. As is clear from the constitutional provision transcribed above, both jus soli and jus sanquinis exist in Venezuela.

The subject of children of undocumented aliens

168. The registration and nationality of children born of alien parents who are illegally in Venezuela has given rise to difficulties and debates, but no equitable solution to the problem has yet been found. The sources of the problem lie in the disagreement with Colombia, in the political crisis experienced in Venezuela in the first half of the 1990s, and, to some extent, in the clash between different rules of internal law.

169. Presidential Decree No. 1911 of 24 October 1991 established that it was mandatory for officials (prefects and registrars) to record in the civil registry books the birth of all children declared to them, even when one or both of the parents of the child was not Venezuelan or did not carry identity documents; it also made it mandatory for the officials to hand or send the identity card to minors, even in cases where they were not accompanied by their legal representatives or when the latter did not have the relevant identity documentation. In view of the fact that such provisions, which were dictated by the need to guarantee a right (that of a nationality for the child), endangered others, facilitating the illegal trafficking in children and allowing undocumented aliens to violate other rules of public order in force, the Supreme Court of Justice was requested to declare Decree No. 1911 null and void.

170. On 26 November 1993, by Decree No. 3267 (published in the Gaceta Oficial de la República No. 35,350 of 30 November 1993), Decree No. 1911 was repealed and a commission was appointed to carry out a study of the legal, political and social implications of illegal immigration. The commission, composed of the Minister of the Interior, who presided, the Minister for Foreign Affairs, the Minister of the Family and the Attorney General of the Republic, was to submit its report within 30 days.

171. The problem of undocumented children has persisted. There is an awareness that children should not be blamed for the fact that the State does not have an effective policy to control illegal immigration, and that the problem is an urgent one since there are already thousands of children born in the national territory who are children of illegal immigrants and who do not have access to the registry office. A draft decree has already been prepared to provide a solution to the problem, but it has not yet been approved by the Council of Ministers.

172. The following table shows some indicators relating to the right of minors to protection.

Indicators relating to the right to protection

Indicators	Latest figures available		Percentage 1990	Source
	Figure	Year		
Percentage of children 5 to 14 years of age neither working nor studying (*)	0.8	2nd half 1995	0.5	OCEI
Percentage of children 5 to 14 years of age working and not studying (*)	1.84	2nd half 1995	2.07	OCEI
Percentage of those under 14 years of age working (*)	3.25	2nd half 1995	3.13	OCEI
Percentage of children 14 to 17 years of age working	16.43	2nd half 1995	16.67	OCEI
Percentage of children under 15 years of age living in poor homes	47.2	1993		MINFAM
Number of violent deaths among those under 18 years of age	1,873	1993		MSAS
Number of those under 18 years of age with personal injuries	7,861	1993		MSAS
Number of accidents among those under 18 years of age	115,000	1993	NDA	MSAS
Number of those under 18 years of age in conflict with the law	20,585	1995	10.043	PTJ
Number of those under 18 years of age declared abandoned	8,989	1995		INAM

(*) These data correspond to the age group 10 to 14, since the survey did not include information on the labour force for children under 10 years of age.

NDA: No data available

OCEI: Central Office of Statistics and Information

MINFAM: Ministry of the Family

MSAS: Ministry of Health and Social Security

PTJ: Technical judiciary police

INAM: National Children's Institute

Article 11

Right to adequate food

173. At its 28th session, in October 1995, the Conference of the Food and Agriculture Organization of the United Nations (FAO) decided to convene a World Food Summit at the level of Heads of State and Government. For that meeting, held in Rome in November 1996, Venezuela prepared a report describing the food policies planned and carried out in the country. The preparation of this report, a copy of which is annexed hereto (annex 18), was coordinated by the Technical Secretariat of the National Food Council, a standing national organ which brings together governmental institutions with responsibility for the formulation, coordination and execution of food and nutrition policy, with the support of relevant non-governmental organizations.

174. In the context of the programming of the development of the country, food is regarded as a fundamental variable. It is regarded as an inalienable human right. The design, formulation and execution of food policy requires a systemic approach both to the different subjects which it comprises and to the set of institutions which are involved.

175. To give integrity and coherence to the multisectoral coordination of the sector, in 1995 the national executive created the National Food Council (CNA). This is an inter-institutional organ of a permanent nature, composed of the Minister of Agriculture, who presides over it, the Minister of Public Works (currently of Industry and Trade), the Minister of the Family, the Minister of Education, the Chief of the Central Office of Coordination and Planning attached to the Office of the President of the Republic (CORDIPLAN), the Executive Secretary of the National Security and Defence Council (SECONASEDE) and the President of the National Nutrition Institute (INN).

176. This Council, as an advisory organ of the national executive at the highest level, determines and proposes mechanisms and instruments and the financial resources necessary to guarantee the food supply to the population in the most efficient manner, promoting facilities for access thereto, in particular for the most vulnerable population groups. In order to function, it has an executive organ, namely the Technical Secretariat, and an advisory committee composed of well-known personalities with experience in the area, specialists in food and nutritional matters.

177. The functions of CNA are:

(a) To establish the general lines, the objectives and the goals of the National Food Plan and the process of institutional coordination for its elaboration, orchestration and execution;

(b) To analyse the policies, programmes and projects which public and private organizations may formulate to improve the production, processing, distribution and consumption of food;

(c) To promote the participation of the public sector and the private sector in the formulation and execution of the National Food Plan;

(d) To propose to the national executive the economic policy measures and the financing machinery required for the execution and attainment of the objectives of the National Food Plan;

(e) To promote regional integration through farming and agribusiness production, trade in food and agriculture and the exchange of information and technology;

(f) To coordinate with related public and private agencies the forecasting and execution of social food programmes.

178. The National Food Plan is based on strategic elements such as the promotion of coordinated action between the various public and private agencies concerned; the promotion of decentralization of public action in the food and nutrition area; the utilization of indigenous resources and the development of appropriate technologies; and so on. The Plan carries out activities aimed at:

(a) The monitoring and evaluation of macroeconomic policies with a view to measuring and/or estimating the effects and impact on production, import and export of food and the accessibility of the population to consumption;

(b) The coordination of policies in food and agriculture circles: primary productive phase, processing and marketing;

(c) The evaluation on a continuing basis of the nutritional state of the population and the coverage of food needs;

(d) The evaluation on a continuing basis of the trade balance in food and agriculture;

(e) The preparation of food contingency programmes and plans.

Current food situation

179. In the short term, the country is facing a macroeconomic situation characterized by still high inflation rates, growing unemployment and new threats of currency devaluation. All this has repercussions for the national food picture.

180. With regard to food consumption, the situation is one of a progressive decline in the availability of calories and proteins. There are also persistent deficits of vitamin A, riboflavine and calcium, as a result of which it has been decided that the Food Enrichment Programme needs to be consolidated. As a consequence of the devaluation of the national currency, the increase in the prices of some imported food products such as wheat and the shortage of foreign exchange, in the mid-1990s there were significant increases in the prices of certain foods and thus a corresponding decrease in consumption.

181. One of the problems which the country faces in order to achieve food security is the fragile access of consumers to food, which has to do with the relationship between the family income and the level of prices, which establishes buying power. Even though poverty and malnutrition are not synonymous, there is generally a close relationship between them.

Indicators of poverty

182. In Venezuela, three methods are used to estimate poverty: (a) the poverty lines established on the basis of the value of the food basket; (b) the so-called poverty map, based on the concept of unmet basic needs (NBI); and (c) the modified Graffar method, which can be regarded as a variation of the previous one.

183. The methodology for the calculation of the poverty line is established on the basis of a comparison between the cost of the agreed regulation food basket (CNC) and the basic food basket (CBA) and the family income. Two benchmarks have been established: extreme poverty, when the family income is not sufficient to cover the CBA, and critical poverty, when the family income covers the cost of the CBA but is not sufficient to cover the cost of the CNC.

184. The sources which measure the evolution of poverty in Venezuela, through the methodology of the poverty line, lead to two conclusions: the first that there are high levels of poverty; and the second that the proportion of the population which is in a situation of extreme poverty is increasing at a much faster pace than total poverty. In 1984, approximately one third of households were in a situation of poverty and 11 per cent were in extreme poverty. In the 1990s, total poverty was almost twice the level in 1984 and critical poverty had quadrupled. The following table shows this trend:

Evolution of the percentage of households
in a situation of poverty 1984-1995 (second half)

Year	Extreme poverty (%)	Total poverty (%)
1984	11	36
1985	16	46
1986	23	52
1987	16	47
1988	14	46
1989	30	62
1990	33	67
1991	34	67
1992	28	62
1993	33	62
1994	44	74
1995	47	76

Source: AGROPLAN, on the basis of the Central Office of Statistics and Information (OCEI) and the cost of the agreed regulation basket of food, goods and services.

Social food programmes

185. Until 1989, the problem of food vulnerability resulting from the increase in poverty had been gradually reduced through the application of generalized direct subsidies. That year most of the subsidies were eliminated. From then on, direct subsidies began to be directed towards the most vulnerable population groups. Social food programmes were initiated, operating on various public and private distribution networks: the health network, the family network, the school network, the school canteen network, and the commercial food network.

186. The commercial food network programmes (the Food Enrichment Programme, the Strategic Food Programme and the Food Support Programme) and the Family Allowance, which is distributed through the school network, are directed towards the whole family, focusing on the population groups with fewer resources. The remaining programmes are distributed in their various networks and are directed towards specific age groups, especially the most vulnerable groups: children and young people up to 18 years of age, pregnant and nursing women, and those over 60 years of age. The mayors' and governors' offices of the states, in agreement with national organizations and on their own account, carry out social compensatory programmes with a food component.

187. Since 1989, supplementary food programmes have occupied a preponderant place in the body of social programmes and are directed specifically towards breast-fed babies and pre-school children, pregnant and nursing mothers and children under six years of age who are not in school. The social food supplement programmes are carried out through the distribution of milk, soy milk, enriched biscuits and tortillas with protein content.

188. With a view to resolving the deficit of certain nutrients in the diet of the whole Venezuelan population, in 1992 the National Commission for Food Enrichment (CENA) was created and given the responsibility for monitoring the orchestration and smooth operation of the Enrichment Programme, which deals with the following foods: pre-cooked maize flour, wheat for bread-baking and economic pastas. Thanks to the contributions of these enriched foods, the apparent average consumption of the Venezuelan population has raised the adequacy levels of micro-nutrients, reducing the deficits of thiamine, riboflavine, niacine, iron and vitamin A.

189. The National Commission for the Iodization and Fluoridization of Salt (CONYFLUSAL) is working on the problem of deficiencies of iodine in the Andean States, raising the awareness of producers who are enriching up to 92 per cent of salt with this product.

190. Successful experiments have been carried out such as the Glass of Life Programme (annex 19). The nutritional deficiency in Lara State, which was revealed in a study carried out by the National Nutrition Institute in 1995, prompted an agreement between the regional government, private sectors and civil organizations to ensure the delivery of a daily ration of milk to more than 310,000 children throughout the year. This joint programme has encouraged cooperation between various sectors and has raised the awareness of the community; it has also taught mothers about the importance of nutrition in the physical and intellectual development of children.

191. Finally, with the social food programmes, the diet of the nutritionally vulnerable population groups is being reinforced. It should also be pointed out that these programmes have constituted an additional incentive for production since the producers and agribusinesses are assured of a market for their products.

192. Social food programmes have been demonstrated to have certain strengths:

(a) They afford nutritional compensation for the target population of between 8 and 15 per cent of their requirements;

(b) They stimulate access to and the maintenance and utilization of basic social services;

(c) They have managed to eradicate the deficit of certain micro-nutrients;

(d) They have managed to contain the indices of malnutrition in those under 15 years of age;

(e) The Day Care Home Programme has provided a network supplementary to the pre-school network and an option for the comprehensive care of the children of workers;

(f) Food programmes linked to the conventional commercial network and the support economy have managed to reduce the price of food by between 10 and 30 per cent, establishing themselves as a reference point for prices for the other distribution points;

(g) The food allowance, re-established as a family subsidy, has proved a good direct mechanism for the distribution of income and provides economic support and food security for the family;

(h) The set of programmes is conceived as an overall and coherent package, with a view to covering 70 to 80 per cent of those in the most vulnerable groups.

193. The following table shows the budget allocation and the consolidated execution of social food programmes during 1996:

Budget allocation and consolidated execution of social food programmes, 1996

Programme	Budget 98			Coverage 1/ (No. of people)
	Allocated (millions of Bs)	Executed (millions of Bs)	Executed %	
Family subsidy	173,260,8	173,222,2	99.98	3,158,993
School food	13,544,0	13,544,0	100.00	729,291*
Day care homes	33,687,1	30,872,8	91.65	350,000
Breakfast, snacks and canteens *Breakfast* *Canteens*	21,459,9 *10,680,7* *10,779,2*	20,950,0 *10,500,0* *10,450,0*	97.62 *98.31* *96.95*	1,077,725 *757,605* *320,120*
Mother and child nutrition	17,143,1	16,900,3	98.58	525,980
Comprehensive care for the elderly	7,265,1	7,264,8	100.00	10,900
Strategic food	12,050,0	8,556,3	71.01	1,643,647*
TOTAL	278,410,0	271,315,4	97.45	---

Source: Executive Secretariat of the National Commission for Monitoring the Social Component of Agenda Venezuela.

Note: 1/ Third advance report on the physical and budgetary performance of social programmes of Agenda Venezuela.
Technical Monitoring Commission, CORDIPLAN/Ministry of the Family.

* This is not the population covered in 1996, but half the population covered during that year.

The right to adequate housing

194. In Venezuela, the right to housing is established in article 73 of the Constitution, which states: "The State shall protect the family as the fundamental nucleus of society, and shall see to the betterment of its moral and economic position. The law shall protect marriage, promote the organization of the unattachable family patrimony, and provide whatever may help every family to acquire comfortable and hygienic housing".

195. The State has assumed its role as producer and promoter of housing construction in the country, establishing and carrying out policies in that area which have varied over the course of time. At the beginning of the 1960s, the bases for the modernization of the public and private construction sectors were established. Then the housing mortgage financing system was established (mortgage bank in 1959 and savings and loan bank in 1961), on the model of the specialized bank. The transformation of the public construction sector was initiated, the Rural Housing Programme - introduced in 1959 - was created, and the former Workers' Bank was converted into the National Housing Institute in 1975, with a view to speeding up and adapting its programmes to the new social requirements.

196. The policies of encouraging private housing construction of social interest were established and have been maintained, especially through income tax exemptions and an undertaking by the State to acquire from the private sector housing which could not be placed on the market within a reasonable time, together with a housing mortgage financing system.

197. Other incentives introduced have been interest rate subsidies on credits for the purchase of housing and the Mortgagee Protection Act.

198. The Housing Policy Act, adopted in 1989 and in effect since 1990, which is along the lines of the 1988 Global Strategy for Shelter to the Year 2000, is the legal instrument on which the current housing policy of the Venezuelan State is based. This Act has two fundamental objectives: (a) to guarantee the availability of sufficient and recurrent resources to meet the demand for housing; and (b) to establish incentives designed to encourage the participation of the various sectors involved.

199. Two basic sources of resources are defined, depending on the population to be served and its level of income. The first source of financing is the national budget, under which a minimum of 5 per cent of regular income, after the corresponding legal deductions, including the constitutional subsidy, is allocated to this programme. The second source of financing is the mandatory housing savings, composed of contributions of 3 per cent of the basic monthly remuneration of clerical and manual workers, in both the public and the private sectors. This contribution is made up of 2 per cent payable by employers and 1 per cent payable by employees.

200. The system created by the Housing Policy Act differentiates between beneficiaries depending on their capacity to pay, establishing three levels of assistance:

(a) Level I: those who have a family income of up to three minimum monthly wages, a level which is served with resources from the public sector;

(b) Level II: those who have a family income of between four and seven minimum wages, who are served with resources from the mandatory savings system, administered by the private mortgage financing system (mortgage bank and savings and loan bodies), in response to the incentives established by the public sector (preferential terms, especially the interest rate, for both construction and the acquisition of housing);

(c) Level III: those who have a family income of between seven and ten basic wages, who are served with sources other than those coming from the public sector and the mandatory savings system.

201. The programme established by the Housing Policy Act is coordinated by the National Housing Council, which is an organ of the Ministry of Urban Development.

202. Despite the achievements in the development of the programme, there are a number of problems and difficulties which have resulted not in a solution to the problem but rather in an increase in the housing deficit. On the one hand, there is insufficient housing production in the private sector, leaving it to the public sector to provide 80 per cent of the annual construction for lower-income groups. In all, the sector has produced an average of 73,000 housing units a year since 1980, when an average of 95,000 households were formed each year during the same period. As a result, a gross housing deficit of approximately 900,000 housing units has been created, including housing units to be constructed (approximately half) and units to be renovated and equipped because they have serious structural defects or lack basic services (the other half).

203. According to the projections made by the National Housing Council of the housing needs for the five-year period 1994-1998, the deficit will reach more than 1 million housing units by the end of the period. This deficit can be broken down as follows: unmet needs accumulated up to 1993 (768,486), plus the demand generated by the housing growth 1994-1998 (487,073 units), plus the deterioration of existing units which have exceeded their lifespan (estimated at 185,450). This makes the need for new housing solutions by the end of the five-year period 1,441,009 units. Moreover, the requirements for the improvement of the physical conditions of housing units and the provision of basic services will amount to 1,165,343 units.

204. According to this analysis, these housing requirements up to 1998 can be characterized as follows: (a) 76.3 per cent of the total need for new housing (1,098,876 units) corresponds to level I of the Housing Policy Act, to be given priority attention by the public sector; (b) 18.6 per cent (268,196 units) corresponds to level II of the Act; and (c) the remaining 5.1 per cent (73,937 units) is accounted for by families with incomes of over seven minimum wages, in other words, level III.

205. With regard to the housing units which need to be improved and equipped with basic services, it has been estimated that 59.9 per cent require only to be equipped with basic services; 23.7 per cent require services and improvement of

the physical components of the housing unit (materials for walls, floors and roofs); and 16.4 per cent require only improvement of their physical condition.

206. One of the serious problems raised by the programme created by the Housing Policy Act is that it only benefits directly those who contribute to the housing savings system and excludes the population which works in the informal sector of the economy.

207. The following table and the corresponding graph show the housing solutions achieved by the public and private sectors during the decade 1986-1996:

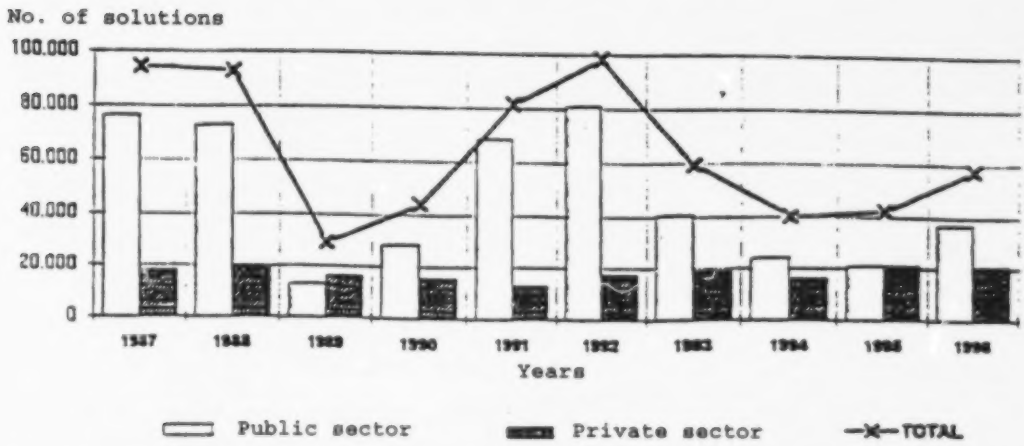
Housing solutions completed

Public and private sectors
1986-1996

Year	PUBLIC SECTOR			PRIVATE SECTOR (1)			TOTAL		
	Number	%	Var.%	Number	%	Var.%	Number	%	Var.%
1986	70,669	77.6	205.2	20,432	22.4	-16.7	91,109	100.0	91.1
1987	76,369	80.8	8.1	18,129	19.2	-11.3	94,498	100.0	3.7
1988	73,130	78.6	-4.2	19,859	21.4	9.5	92,989	100.0	-1.6
1989	12,934	44.1	-82.3	16,385	55.9	-17.5	29,320	100.0	-68.5
1990	28,636	64.7	121.4	15,631	35.3	-4.6	44,267	100.0	51.0
1991	68,609	84.0	139.6	13,052	16.0	-16.5	81,661	100.0	84.5
1992	81,080	82.3	18.2	17,452	17.7	33.7	98,532	100.0	20.7
1993	40,586	68.1	-49.9	19,033	31.9	9.1	59,619	100.0	-39.5
1994	24,148	60.0	-40.5	16,128	40.0	-15.3	40,276	100.0	-32.4
1995	20,969	49.5	-13.2	21,363	50.5	32.5	42,332	100.0	5.1
1996	36,928	63.9	76.1	20,895	36.1	-2.2	57,823	100.0	36.6

(1) Includes housing units financed with resources of the housing savings system and other sources of private resources.

Housing solutions completed
Public and private sectors
1986-1996



Source: Public executing agencies and Construction Fund (Fundaconstrucciòn)

International housing aid

208. Given the housing deficit and the economic difficulties the country has experienced in recent years, moves have been made to obtain international aid and cooperation to resolve the problem. These programmes, either already executed or ongoing, include the following:

(a) Social Housing Programme (PROVIS). In October 1996, Loan Agreement 928-OC/VE was signed with the Inter-American Development Bank (IDB) for the execution of a pilot programme, in the amount of US$ 85 million, which includes financing by IDB of US$ 52 million for a project to be carried out by the National Housing Institute in collaboration with the regional housing institutes of Carabobo, Lara, Sucre and Zulia States. As its title indicates, this programme is aimed at meeting the housing needs of lower-income sectors;

(b) District Urban Renewal Programme (PROMUEVA). This project is partially financed by resources from the World Bank, with the participation of the national Government and the municipal governments involved, coordinated by FUNDACOMUN. Its objectives are to improve the level of living in the poorest districts through communal infrastructure works, and to train the municipal authorities in the planning, administration and execution of such infrastructure works;

(c) Local Social Investment Programme (PROINSOL). This is a programme in support of the decentralization process, aimed at co-financing the execution of social infrastructure projects with the appropriate authorities of States and municipalities in order to improve and reorganize the popular districts;

(d) Project VEN/90/014. Through this project, UNDP and Habitat have supported the development of family production units in five poor urban and rural communities, as well as the development of a pilot experiment for the overall improvement of housing with the participation of the community, associated with the generation of income on the basis of hydroponics and other methods of production;

(e) Project VEN/92/002. Through this project, UNDP supported FUNDACOMUN in the expansion of its operational capacity in connection with the execution of district improvement programmes; and

(f) Project VEN/94/015. Through this programme, a new approach is being tested in the Catuche district of the city of Caracas to prevent disasters in the beds of rivers and streams, taking into account the aspects of security, the environment and the supply of drinking water (annex 20).

Article 12

Health policies

209. The formulation and carrying out of health policies in Venezuela is the responsibility of the Ministry of Health and Social Security (MSAS). Since its creation in 1936, MSAS has developed programmes which differ in nature and scope:

(a) In the beginning, when the country had a predominantly rural population, environmental sanitation and the eradication of rural endemic diseases were the basic strategies of the first health administrators. The emphasis was on health activities to combat malaria, the leading cause of death in the country at that time;

(b) Subsequently, the process of urbanization and rural-urban migration produced significant changes in health policies. A structure was then developed, based on health units as centres for the execution of preventive programmes and hospital programmes for medical treatment, setting the basis for the separation of preventive and curative programmes. For the still significant dispersed rural population at the time, a wide network of medical centres and rural dispensaries was established and a programme of simplified medicine was initiated for these zones;

(c) Today, programmes start from an overall concept of health, understood as a process determined by the living and working conditions of the population, which in turn finds itself influenced by a complex and varied set of economic, social, environmental, cultural and biological factors and by consciousness and behaviour.

210. The administration of health policy in Venezuela has been substantially modified in recent years. It has been reordered and decentralized so that it operates under the shared responsibility of the national, state and municipal authorities. The central level guides and regulates the national health system. The state and municipal levels are responsible for the provision of services and are the bodies which integrate and operate the medical treatment, social welfare and environmental sanitation programmes.

211. With regard to the content of health policy, MSAS has defined a set of guidelines aimed at:

(a) Ratifying the right to health through the broad provision of services to the whole population without any discrimination;

(b) Improving the efficiency and effectiveness of health services and expanding ambulatory services;

(c) Promoting health and preventing risk and injury; and

(d) Improving primary care and the ambulatory network.

212. Within this set of guidelines, the State has, with effect from 1995, undertaken the "Commitment to life", the objectives and basic policies of which are the following: (a) to reduce maternal mortality; (b) to reduce infant mortality and mortality among children under five; and (c) to reduce the mortality rate from cancer and traffic accidents. To this end, it has continued some already existing health services and has strengthened others such as those for the prevention of cardiovascular diseases and the prevention of AIDS and sexually transmitted diseases.

Health services and resources

213. Public health costs accounted for 11.5 per cent of the national budget for the years 1993 to 1996, and 2.5 per cent of GNP for the same period. It should be noted that public health costs accounted for a varying and decreasing share of the national budget between 1970 and 1995. In 1970 they accounted for 18.6 per cent and in 1976, 14.3 per cent, rising for a while to 20.6 per cent in 1978, to decline subsequently to only 8.9 per cent of the national expenditure budget in 1995. In evaluating the share of the health sector budget of GNP, the same trend was observed; it went from 3.07 per cent in 1970 to 5.7 per cent in 1977/78 and subsequently fell to 1.8 per cent in 1995.

214. The Ministry of Health and Social Security (MSAS) and the agencies attached to it cover approximately 76 per cent of the public health costs (including the Venezuelan Social Security Institute). If one adds to this figure the amount corresponding to the competent departments of the states, this percentage rises to 93 per cent, leaving 7 per cent for other public sector agencies.

215. With regard to the distribution of health costs, 71 per cent is allocated to hospital care; 12.6 per cent to ambulatory services; 10.7 per cent to epidemiology; and only 0.3 per cent to social advancement. It can therefore be noted, from these figures, that very little is still devoted to health promotion and preventive care, so that the production of services characterized by the low coverage of prevention has been distorted to the benefit of a hospital level which only partially responds to the problems of the first and second levels. It is a well-known fact that there is a greater demand for emergencies, both in hospitals and in clinics, and a low rate of utilization of preventive consultations. In order to remedy this situation, MSAS has encouraged the participation of the community in the solution of its own problems with some successful results. Experiments have also been carried out in the municipalization of services, experiments which have been recognized by international organizations such as the Pan-American Health Organization (PAHO).

216. In 1964 to 1966, the country had 534 hospitals, of which 184 were under the Ministry of Health and Social Security, 32 were under the Venezuelan Social Security Institute, 9 were under the Ministry of Defence, 15 were municipal

hospitals and 344 were private. There were 3,954 ambulatory centres, of which 3,324 were rural and 630 urban, including 5 under the Venezuelan Social Security Institute.

217. Venezuela has one doctor for every 516 inhabitants; one professional nurse for every 1,306 inhabitants; one auxiliary nurse for every 447 inhabitants; one dentist for every 2,018 inhabitants; one hospital bed for every 427 inhabitants; and one pharmacist for every 3,290 inhabitants.

Supply of essential drugs

218. The supply of essential drugs for the prevention and treatment of diseases and injuries is based on agreements between the national Government and the private sector for the manufacture of drugs in generic form and the SUMED programme.

219. Supplies are provided under the following programmes and standards:

Level 1: rural ambulatory centres: drugs for use in health establishments without the permanent presence of a doctor;

Level 2: rural ambulatory centres II and urban ambulatory centres I: drugs for use in ambulatory medical centres with essential services;

Level 3: urban ambulatory centres II: drugs for use in general and specialized ambulatory medical centres;

Level 4: hospitals II: drugs for use in hospital medical treatment centres with the four basic services;

Level 5: hospitals III, hospitals IV: drugs for use in general hospital medical treatment centres and hospitalization.

220. The Ministry of Health and Social Security has drawn up a list of 52 essential drugs in a basic basket, based on the following criteria: (a) the 25 leading causes of morbidity; (b) drugs used in some chronic diseases; (c) contraceptive drugs; and (d) drugs used without a medical prescription.

Coverage of medical care

221. Virtually the whole population is covered by some medical care scheme, which is based on:

(a) The Venezuelan Social Security Institute (IVSS), the Institute of Social Security and Welfare for the Teaching Profession (IPASME), the Institute of Social Security for the Armed Forces (IPSFA), private social security agencies, and public agencies and private corporations and enterprises which have their own medical services;

(b) The Ministry of Health and Social Security (MSAS) and the organizations attached to it, in addition to those bodies, foundations, etc., which have been created as a result of the decentralization process.

Some significant health indicators

222. The following tables show the basic indicators relating to the right to health.

Indicators relating to the right to survival

Indicators	Latest figures available		1990 Figure	Source
	Figure	Year		
Infant mortality rate per 1,000 live births	24.7	1994	25.5	MSAS
Under-5 mortality rate per 1,000 live births	30.1	1994	31	MSAS
Under-5 mortality rate (girls) per 1,000 live births	27.5	1994	27.9	MSAS
Maternal mortality rate per 100,000 live births	68.0	1994	58.5	MSAS
Number of deaths of children under 5 with ARI	1 281	1994	1 327	MSAS
Percentage of deaths of children under 5 with ARI	7.8	1994	7.4	MSAS
Percentage of children with low birth weight	12.1	1993	10.4	MSAS
Percentage of births to women under 20	19.1	1993	18.2	OCEI
Percentage of births to women under 15	0.8	1994	0.7	OCEI
Immunization against DPT (%)	67.5	1995	62.7	MSAS
Immunization against measles (%)	68.5	1995	62.4	MSAS
Immunization against poliomyelitis (%)	84.9	1995	71.5	MSAS
Immunization against tuberculosis (%)	91.4	1995	82.0	MSAS
Immunization of pregnant women against tetanus (%) (*)	62	1995	NDA	MSAS
Cases of neonatal tetanus	18	1995	27	MSAS
Districts reporting cases of neonatal tetanus	12-187	1995	NDA	MSAS
Cases of poliomyelitis	0	1994	0	MSAS
Districts reporting cases of poliomyelitis	0	1995	0	MSAS
Consumption of iodized salt in the country	92	1995	NDA	INN
Goitre in schoolchildren	NDA		11	UNICEF
Use of ORT (increased liquids and nourishment)	19.4	1994	NDA	MSAS
Cases of parasitism	379 770	1995	320 167	MSAS

Indicators	Latest figures available		1990 Figure	Source
	Figure	Year		
Hospital and maternity hospital services in the country	186	1995	NDA	UNICEF
Hospitals and maternity hospitals programmed as HAMN (Mother and child friendly hospitals)	19	1995	NDA	MSAS
Hospitals and maternity hospitals declared HAMN	4	1995	NDA	MSAS
Rate of continued breast-feeding up to 2 years (20 to 23 months)	NDA		11	UNICEF
Access to family planning methods	12.0	1994	14.2	MSAS
Moderate and severe malnutrition (under-weight) in children under 5 (%)	4.49	1994	7.66	INN
Severe malnutrition (severe under-weight) in children under 5 (%)	0.68	1994	1.44	INN
Moderate and severe shortness of height in children under 5 (%)	13.17	1994	13.82	INN
Severe shortness of height in children under 5 (%)	4.20	1994	4.70	INN
Moderate and severe malnutrition (under-weight) in females under 5 (%)	4.31	1994	7.62	INN
Percentage of children 0 to 5 years in growth and development monitoring programmes (%)	44.9	1993	NDA	INN
Population with access to drinking water (total) (%)	79.1	1995	79	HIDROVEN
Population with access to drinking water (urban) (%)	79.2	1995	80	HIDROVEN
Population with access to drinking water (rural) (%)	78.7	1995	75	HIDROVEN
Population with access to excreta disposal (total) (%)	63.4	1995	59	HIDROVEN
Population with access to excreta disposal (urban) (%)	62.0	1995	64	HIDROVEN
Population with access to excreta disposal (rural) (%)	72.0	1995	30	HIDROVEN

(*) The accumulated coverage of 2 doses of tetanus toxoid at the end of the period 1992 to 1995 was 62 per cent in women of child-bearing age (12 to 44 years), both pregnant and non-pregnant, living in areas at risk for neonatal tetanus (municipalities where there have been cases and/or where more than 70 per cent of the basic needs have not been met).

NDA: No data available.

Infant mortality

223. The infant mortality rate is 27.4 per 1,000 live births, a figure which is lower than that established as tolerable by UNICEF, namely 33.3 per 1,000 live births. This figure confirms that the immunization and nutritional supplement programmes are effective in reducing the infant mortality rate. The proportion of low-weight births (2,500 grams) is 10 per cent of the total number of births. It can therefore be inferred that maternal malnutrition is not a factor which has any great influence on the infant mortality rate and that it has no greater impact on maternal mortality. By comparison with the international averages, the proportion of children with low birth weight is considerably lower in Venezuela. The figures on infant mortality differ from one region to another of the country. The Amazon, Delta Amacuro, Zulia, Bolivar and Nueva Esparta States show the highest rates, between 31.5 and 50.0 per 1,000 live births. The highest rates often coincide with the highest rates of households with unmet basic needs.

224. The main causes of death among children under one year of age are diseases originating in the perinatal period (hypoxia and suffocation at birth), among both female and male children. In the 1 to 4-year age group, the main causes are accidents (drowning and accidental submersion), again among both sexes. Traffic accidents (being run over) are the main cause of death in the 5 to 14-year age group, among both sexes. If deaths of newborns under seven days old are excluded, the perinatal and congenital causes virtually disappear and the causes of malnutrition increase substantially.

Drinking water

225. The proportion of the urban population which has access to drinking water through pipelines to their housing units is 63 per cent; the proportion of the urban population which has reasonable access to public water supply sources is 68 per cent; and the proportion of the rural population which has reasonable access to drinking water is 12 per cent. In general, the proportion of the rural and urban population with adequate treated water is 80 per cent.

Excreta disposal

226. The proportion of the urban population connected to a public excreta disposal system is 53 per cent, and with individual excreta disposal systems 11 per cent; the proportion of the rural population with access to excreta disposal systems is 60 per cent.

Immunizations against certain diseases

227. The immunization coverage of children can be summed up as follows:

	1995	1996
BCG	91.4%	91.0%
Polio	84.9%	78.0%
Triple vaccine	67.5%	62.3%
Measles	66.5%	67.3%

228. Among the principal public health activities, mention should be made of the Expanded Programme on Immunization (EPI), which consists of:

(a) Vaccination of children under five years of age against measles, diphtheria, poliomyelitis, whooping cough, tuberculosis, tetanus;

(b) Vaccination of pregnant women against tetanus; and

(c) Other vaccinations: hepatitis B (indigenous population of the Sierra de Perijá); yellow fever (in frontier areas bordering on regions of Colombia with reported cases and in jungle areas).

Poliomyelitis

229. Venezuela holds the certificate for the eradication of the paralytic polio virus. The latest case occurred in 1989. In order to maintain this situation, annual polio vaccination days are held targeting all those under five years of age. In addition, the basic epidemiology monitoring indicators are evaluated on a regular basis. These indicators are:

- Rate of notification of PFA (major flaccid paralysis) of 1 per 100,000 under 15 years of age;
- Weekly negative notification of PFA in 80 per cent of cases;
- Investigation during the first 48 hours and notification in more than 80 per cent of cases;
- Timely taking of drugs within the first 15 days following the onset of the disease in more than 80 per cent of the cases notified.

Measles

230. The plan for the elimination of measles began with the observance of National Vaccination Day in 1994, which covered 98 per cent of children nine years old. In 1996, a decrease was recorded to 96 per cent of cases notified and 99 per cent of those confirmed.

Diphtheria

231. No cases of diphtheria have been reported in the country since 1972.

Whooping cough

232. In 1996, a decrease was recorded in the number of cases of and deaths from this disease of 25 per cent and 70 per cent respectively, compared with 1995.

Neonatal tetanus

233. Women living in areas where there is a risk of acquiring this disease are being vaccinated, whether or not they are pregnant. Since 1996, cases have been reported in the States of Zulia, Sucre, Carabobo, Anzoátegui and Yaracuy.

Tuberculosis

234. The rate of notification of new cases of tuberculosis declined by approximately 4 per cent a year starting in 1981, but began to increase again in 1991. In 1995, an increase of 92 per cent over the rate for 1994 was recorded, with variations in type (pulmonary/extrapulmonary) depending on the age group.

235. The rise in tuberculosis in the country can be attributed to: (a) the increase in marginalization; (b) a decrease in the capacity to resolve the problem; and (c) migrations, both external and internal.

Health alert diseases

236. In 1994/95, as a result of atypical negative factors such as an unusual intensity of rain, two epidemics occurred: dengue and equine encephalitis, and there was a latent risk of an outbreak of cholera. This scenario represented a challenge to the authorities in the health sector. Priority was then given to the policies of prevention and community participation. Socio-economic problems and the repercussions of poverty on health such as malnutrition and lack of environmental sanitation influenced the creation of this health situation. To deal with it, urgent action was taken, coordinated between the national, state and local levels of the health sector.

237. With regard to dengue, 32,280 cases of classic dengue and haemorrhagic dengue were reported during 1995 (more than double the figure for 1994). A total of 5,380 (16.6 per cent) were haemorrhagic, with 43 deaths; 25 were confirmed by a laboratory. In 1996, 8,526 cases were reported, with 20 deaths. The states where there was a higher morbidity rate were Barinas, Amazonas, Aragua, Mérida and Lara. In 1997, the increase was alarming: almost 24,000 cases of dengue were reported, with approximately 80 deaths.

238. With regard to equine encephalitis, August 1995 saw the onset of an epidemic of considerable magnitude. 12,193 cases were reported, with 24 deaths. The states most affected were Zulia, Falcón, Lara, Trujillo, Yaracuy and Carabobo, in decreasing order. Zulia accounted for 90.8 per cent of the cases and 62.5 per cent of the deaths.

239. During 1994 and 1995 no cases of cholera were reported. In June 1996, the first cases were reported and the figure for that year reached 74. Of these, 46 were confirmed by a laboratory (serotype ogawa) and 22 cases, including two deaths, were confirmed by epidemiological clinical criteria. The medical services caught 37 cases and the remainder were detected by an active search for contacts. Of the total, 59 cases were indigenous and the remainder were imported. The most affected age group was that of those over 15 years of age (54 per cent of the total number of cases). The precarious living conditions, the lack of basic health services such as sewage and excreta disposal, the insufficient supply of drinking water and the inadequate collection and final disposal of solid waste are fundamental factors in the transmission of this disease. Epidemiological monitoring has been maintained since that time.

Life expectancy

240. In 1990, life expectancy was 74 years for the female population and 69 for the male population. The average for both sexes was 71.7 years in 1994.

241. Until the 1930s, life expectancy at birth was very low and fairly balanced between the two sexes. The average was no higher than 42 years. In only one decade, an increase of 15 and 12 years was recorded for men and women respectively. It is a well known fact that this indicator began to show favourable increases from the time that the Venezuelan State initiated action to control endemic diseases, particularly malaria. The environmental sanitation campaigns had an impact on the improvement of public health and led to an increase in life expectancy at birth. Subsequently, the repeated vaccination campaigns, health education and the remarkable infrastructure of health services constructed in the short space of time of three or four decades facilitated the control of the most common diseases which had an adverse effect on life expectancy.

Pregnant women with access to medical services

242. The proportion of women with access to trained personnel during pregnancy has risen to 95 per cent of births and the proportion of this total which has antenatal care amounts to 20 per cent. Only 12 per cent of pregnant women use family planning services. Single adolescent women do not have access to these services for legal reasons, even though the proportion of those in this age group who are pregnant is approximately 18 to 19 per cent.

243. The maternal mortality rate is relatively high: 69.8 per 1,000 live births registered. This places Venezuela in the group of countries which have high maternal mortality rates. In this connection, plans have been made to improve the quality of care given at childbirth and increase the offer of antenatal monitoring and family planning services in order to reduce the maternal mortality and premature birth rates.

244. A breakdown of the maternal mortality figures shows that the leading cause of death after childbirth is sepsis; from this it may be inferred that it results from infections contracted in the hospital. Measures are being taken to overcome the problem, such as the provision of care at childbirth at the first reference level. The second most important cause of maternal mortality is eclampsia; that makes it necessary to concentrate efforts on antenatal monitoring. It also makes it necessary to carry out educational campaigns aimed at the population and increase the offer of services.

Children with access to medical services

245. Even though there are no precise figures on the proportion of children who have access to trained health protection personnel, it must be assumed that the situation for children is the same as that for the population in general, and it is estimated that at least 30 per cent do not have access to services for geographical, cultural or economic reasons. The child population which is most neglected is the frontier, indigenous and marginalized urban population.

Most vulnerable groups and least privileged areas with respect to health services and other living conditions

246. The most vulnerable groups and the most underprivileged areas with respect to health care and services are:

(a) The marginalized area of Caracas;

(b) Marginalized areas of other major cities in the country (Maracaibo, Maracay, Valencia, etc.);

(c) The dispersed population in rural areas (5 per cent of the population);

(d) The indigenous population (1.5 per cent of the population).

247. The population with the worst living conditions is distributed as follows: 82 per cent in the frontier region; 5 per cent in the northern coastal region; and 12 per cent in the central region. In the frontier states there is a complex combination of social and epidemiological circumstances, with important repercussions for the rest of the country.

248. According to the indicator of households with unmet basic needs (NBI), which stratifies the population in classes I to V, the population ranked last has the worst conditions and is distributed as follows: 82 per cent in the frontier region; 5 per cent in the northern coastal region; and 12 per cent in the central region.

249. The indigenous Venezuelan population represents approximately 1.5 per cent of the total population of the country and lives mainly in the forest and frontier regions. It is undoubtedly one of the groups with the worst living conditions, together with the rest of the frontier population and the population of the marginalized areas of the major cities. The indigenous population lives in wide areas of territory and is very dispersed, so that it has little possibility of access to the health services infrastructure. The marginalized population of the major cities, because of its socio-economic characteristics, suffers more than other social sectors from the consequences of the failures of the public health services.

250. The following are among the measures planned - some of which have been carried out and are now being carried out - to reduce or mitigate the consequences of the inequalities which have an adverse effect on the most vulnerable groups:

Expanded Programme on Immunization (see para.228);

Mass antiparasitic treatment in endemic zones;

Early detection of cancer: Pap test for women over 35 years of age;

Iron supplement for women of child-bearing age;

Family planning: reference for the development of intrauterine devices, supply of contraceptives, etc.;

Food supplements for women and children in areas of extreme poverty and malnutrition, conditional upon the periodic utilization of public health preventive services, the adoption of hygienic domestic habits and/or family planning and antenatal monitoring;

Education for health through promotion programmes, emphasizing alternative basic sanitation methods, the formation of habits, techniques for the use of water, the promotion of breastfeeding, etc.;

Control of vectors;

Anti-tobacco, alcohol and drug programmes;

Prevention of AIDS;

Supply and distribution of oral rehydration packets in rural areas or zones of extreme poverty; and

Application of fluoride to prevent dental caries in primary school children.

Measures to prevent, treat and control epidemic, endemic, occupational and other diseases

251. The following are among the measures taken to control endemic diseases:

Control of vectors by the application of residual action insecticides;

Administration of anti-malarial drugs;

Helminthic treatment;

Application of molluscicides.

Also to prevent such diseases, projects are planned and are being carried out for the construction of latrines, drains and rural aqueducts, and housing. Coprological inspections are also carried out.

252. With regard to tuberculosis, a disease which is re-emerging in the country, work has been carried out to localize cases and reactivate laboratories. The annual increase of this disease has reached 14 per cent since 1994. Tuberculosis had been decreasing since 1981 at a rate of approximately 4 per cent and stabilized in 1990.

253. Epidemic diseases which have a greater incidence are cholera, dengue and encephalitis (see paras. 236-239). They have been controlled by the following actions:

Cholera: medical treatment, cleaning and control of solid waste;

Dengue: educational campaigns and basic sanitation;

Encephalitis: vaccination of horses.

254. With regard to occupational diseases, action is directed mainly towards the prevention and treatment of disabilities. In this connection, it should be pointed out that the Ministry of Health and Social Security has designed promotion and primary prevention campaigns on risk factors which could generate incapacitating injuries. Secondary prevention measures are also being carried out to avoid the deficiencies which give rise to disabilities. Tertiary prevention measures are also planned to avoid serious and permanent disability in those who have a slight or temporary disability. All these measures are carried out in the rehabilitation services.

255. These measures for the prevention and treatment of occupational diseases are accompanied by the development of epidemiological and clinical investigations which make it possible to identify critical processes or risk factors which condition or determine the disability, and also to coordinate with other sectors intersectoral action which might foster protective processes that may affect risk factors.

256. The general situation with regard to other diseases may be described as follows.

257. AIDS/HIV. A reduction was noted in the morbidity and mortality rates for AIDS in 1994 and 1995, which could be attributed to a lack of notification. The male sex is six times more affected than the female sex and the age group with the greatest incidence of the disease is the 20 to 49-year group. The Federal District records the greatest number of cases. The aim is to supply patients with AIDS with the drugs they need, free of charge, through SUMED (Drug Supply Programme); this is done through public medical treatment establishments. The Ministry of Health also plans and carries out preventive action and coordinates official and private efforts to face the challenge of the disease, such as the distribution of condoms to high-risk groups.

258. Reproductive diseases. The percentage of women of child-bearing age treated in hospitals and ambulatory treatment centres has been slowly decreasing. It was 14.6 per cent in 1990, 12.6 per cent in 1994 and 10.8 per cent in 1995. A comparison of these figures with the principal causes of maternal death shows that 58.12 per cent of the total number of deaths are attributable to complications related to pregnancy and childbirth, which leads one to conclude that this is due to the low indices of antenatal monitoring. Twenty per cent of the total number of pregnant women and puerperal complications (18 per cent) are linked to infections contracted in hospital. The number of pregnancies among adolescents should also be pointed out. Plans have been made to expand the reproductive health services offered at the first level.

259. The following priorities have been established as national priorities in reproductive health and family planning:

Attention to the most vulnerable groups of the population (adolescents, pregnant women, women of child-bearing age, and newborns);

Breastfeeding;

Prevention, detection and management of sexually transmitted diseases and AIDS.

260. The most important results achieved in this area have been:

The real strengthening of programmes to promote women's health in various states in the country;

Modifications to the Protection of Minors Act with regard to reproductive health; and

Training for the implementation of the recommendations of the breastfeeding programmes and the plans for the creation of the Mother and Child Friendly Hospital.

261. Cardiovascular diseases. The general mortality rate from cardiovascular diseases rose between 1986 and 1993 from 71.1 to 110 per 100,000 inhabitants for men, and from 61 to 87 for women. Virtually all of the increase is linked to the increase in life expectancy for both sexes, the changes in life style, the cost of drugs and difficulties of access to medical services. With regard to the age variable, it has been noted that the greater the age, the greater the incidence of these diseases. Thus, of every 10 deaths, 9 occurred in persons over 45 years of age. The following are among the most effective activities planned and carried out to reduce the risk factors in the case of cardiovascular diseases:

(a) Health promotion and risk prevention campaigns with the support of the Ministry of Health, or through the Venezuelan Cardiology Society. Every year the Cardiovascular Health Week is observed with activities such as exhibitions, informative lectures, demonstrations, free blood pressure tests, laboratory examinations (triglycerides, cholesterol, etc.), and the distribution of educational material;

(b) Medical treatment through ambulatory centres and hospitals in the health services network of the Ministry of Health and Social Security.

262. Intestinal infections. Infectious intestinal diseases still present a serious problem in the country, occupying fourth place among the causes producing the greatest number of potential years of life lost (APVP). If the deaths of infants under seven days old are excluded, the perinatal and congenital diseases disappear and malnutrition and septicaemia are in ninth and tenth places respectively. The following are the activities programmed and carried out in this connection: supply of oral rehydration packets and health education campaigns.

263. The majority of deaths from diarrhoea in the States of Amazonas, Delta, Amacuro and Zulia occur among the indigenous population, the cause being the basic sanitation conditions, the location of settlements and cultural factors and behaviour.

264. Malnutrition. The Food and Nutrition Monitoring System (SISVAN), which operates in medical establishments of the Ministry of Health and Social Security gathers indicators which reflect the nutritional situation in the country. In the under 15-year age group, the current malnutrition rate (weight/height indicator) declined from 16.2 per cent in 1990 to 11.6 per cent in 1995. There are, however, great variations with regard to this indicator in different regions of the country: it is highest in Portuguesa (20.8 per cent), Delta Amacuro (16.6 per cent), Apure (15.6 per cent) Miranda (14.2 per cent) and Cojedes (13.5 per cent).

265. The nutritional deficit among children under two years of age is measured by the weight/age indicator (WHO tables) and reflects past and current malnutrition rates among minors. This indicator reflects a decrease from 15.4 per cent in 1990 to 13.8 per cent in 1995, but with variations in the different regions of the country. The States of Delta Amacuro (21.3 per cent), Apure (17.5 per cent), Amazonas (16.9 per cent) and Trujillo (15.4 per cent) are above the national average. The first three have a significant indigenous population.

266. Activities to reduce the nutritional deficit are carried out through nutritional protection programmes by the National Nutrition Institute. The nutritional protection and restitution programmes are aimed at various age groups as follows: pre-school, from 2 to 6 years (special snack); schoolchildren, from 7 to 14 years (school canteens, special snack and special canteens); adolescents (15 to 19 years (canteens in basic educational institutes); people's canteens and industrial canteens, lunch for the working population and the public in general, free lunches for the population over 65 years of age, and free lunches for those with an obvious and definitive disability.

Environmental protection and development

267. Policies are being developed in the context of risks to health linked to the environment. Emphasis is placed on the measurement and evaluation of levels of environmental contamination and the quality of basic services. This has served to improve:

The control of the quality of water for human consumption;

The management and final disposal of solid wastes, including dangerous wastes;

Environmental sanitation monitoring; and

Preparations for emergencies and disasters in supply systems.

268. Environmental problems deriving from industrial development and urban growth have a direct impact on the health of the population. Such matters as

the quality of the air, land and water, in addition to others linked to the quality and characteristics of housing and the workplace, have been regarded as priorities. The following are among the programmes and measures implemented in Venezuela.

269. Air. There is a network to monitor the quality of the air which covers 12 cities in which 75 per cent of the population of the country lives. The bodies responsible for this programme are the Ministry of Health and Social Security, the Ministry of the Environment and Renewable Natural Resources and the Centre for Research and the Development of Petroleum in Venezuela (INTEVEP). In Venezuela, a register is kept of the levels of lead and of the air to ensure that it does not exceed the levels of tolerance of contaminated air in urban areas and to monitor the gradual reduction of tetraethyl lead in petrol. In this connection, it should be pointed out that the substitution of gas for petrol in collective transport and light-load vehicles is being promoted. Similarly, the burning of other materials in open country is prohibited.

270. Venezuela also has standards for the reduction of the effects of air contamination in closed areas. Among the standards for projects for the construction, repair, reform and maintenance of buildings, consideration is given to ventilation in the work environment and standards have been established for construction projects, incorporating those relating to hygiene and security considerations .

271. Measures are being implemented to reduce the exposure of non-smokers to tobacco smoke in public offices and other environments, including the prohibition of smoking in certain public service installations and offices, including the Caracas metro.

272. Water. The Orinoco basin covers 96 per cent of the national territory. There are also important aquifers throughout the territory. With regard to all these sources of drinking water, monitoring and control mechanisms are maintained to avoid biological and chemical contamination. These mechanisms are: health inspections of drinking water supply systems, and laboratory analysis of water samples.

273. Which organization is responsible for the application of these monitoring mechanisms depends on the use to which the water supply is put. In this connection, guidelines such as the standards for the monitoring of water supply sources and the health standards with regard to the quality of drinking water for the population's consumption are being carried out. The Ministry of Health and the Ministry of the Environment and Renewable Natural Resources are the State agencies responsible for exercising control and ensuring compliance with these standards. The former is responsible for verifying the suitability of existing supply systems and the quality of water for consumption, while the latter issues authorizations for the use of river basins and aquifers.

274. Land. The collection, management and elimination of solid wastes is the responsibility of the municipalities (Organic Municipal Government Act). However, the uncontrolled proliferation of solid wastes prevents the application of sanitary control of rodents and other vectors, so that the guidelines set by MSAS and the Ministry of the Environment and Renewable Natural Resources are often not observed. Also, the rules governing the elimination of waste in

health centres are often not observed, since the workers in the sector tend to be ignorant of the rules or simply because there is a lack of treatment systems and incinerators. It also happens that potentially dangerous wastes are disposed of together with the regular garbage.

275. Food monitoring. The Ministry of Health and Social Security (MSAS) is responsible for establishing the rules for and exercising health control over food. This involves:

Developing the legal rules and regulations for the purpose of establishing health conditions to benefit the whole food chain;

Promoting health education activities for those who handle food between the school population and the community;

Carrying out monitoring activities through the demonstration and analysis of different food products.

276. The Food Monitoring Programme involves the carrying out of the following activities: monitoring of food; monitoring of construction, equipment and packaging; monitoring of prepared foods or foods offered for immediate consumption; research and teaching to bring up to date and deepen knowledge of the subject among those responsible for the hygienic control of food.

277. In order to carry out these functions, MSAS relies on a network of its own laboratories, even though it also employs the capacity of other public and private institutions when necessary.

Industrial hygiene

278. With regard to industrial hygiene, it should be pointed out that the population is protected in the workplace by occupational health services. These services are of two types: (a) services provided by the employer, formally located in large and medium-sized employment centres; and (b) services provided by the State, focusing on small employment centres.

279. The provision of such services is based on Venezuela's own standards and on the recommendations of WHO and ILO. Thus, there are special regulations governing the quantification of environmental and occupational risks and the levels of tolerance of such risks.

280. Both the Ministry of Labour and MSAS have responsibilities in legal and operational matters, since the Venezuelan Social Security Institute, an organization attached to the Ministry of Labour, is the competent body for occupational health matters and rehabilitation for the population covered by the Institute. MSAS, through its sanitary engineering department, monitors sources which generate radiation and, in that connection, sets the standards for the manipulation and use of those sources, establishing levels of tolerance, conditions of operation and training for the personnel and the workers and users.

Measures taken to assure medical services for all

281. Even though the whole population is covered by some form of medical service, either through the Venezuelan Social Security Institute, private insurance or public or private insurance companies, the great mass of the population in fact has recourse to hospitals and ambulatory treatment centres. The Comprehensive Health Care Plan (AIS) was therefore drawn up and implemented and this is improving the current national health care system. It is hoped that there will soon be a gradual improvement in the quality of, and access to, health services, both in hospitals and in ambulatory treatment centres. Two plans have been drawn up.

282. Plan I deals with public and individual health activities which have proved to have a broad impact in improving the indicators of the health of the population. These clinical activities include the following:

(a) Consultations for the care and monitoring of pregnancy;

(b) Medical care and ambulatory treatment of children with common diseases;

(c) Oral rehydration therapy for children with acute diarrhoea;

(d) Medical attention and pharmacology for children with common respiratory diseases;

(e) Consultations to monitor and control nutrition and growth in healthy children;

(f) Pharmacological treatment with A25 and/or Caeserean sections for seropositive pregnant women;

(g) Care and treatment of common injuries and fractures which can be dealt with in ambulatory services.

283. Plan II covers the remaining health activities not included under Plan I, which are financed jointly by the Federal Government and the administrations of the States and other public bodies responsible for the health sector.

Measures taken to ensure that the rising costs of health care for the elderly do not lead to infringements of their right to health

284. Like the majority of social compensation programmes, the drug supply programme is designed to mitigate the impact of the economic adjustment measures on the most disadvantaged social strata and sectors. The main objective of the Social Drug Supply Programme (SUMED) is to facilitate the access of the most vulnerable social and age groups to essential drugs. The programme is part of the policy of MSAS with regard to drugs and is designed to deal with those diseases which give rise to the 25 leading causes of consultations. To that end, a list of 52 essential drugs has been compiled, with an indication of the generic number of the drug. The private network of pharmacies is used as a distribution channel; these are pharmacies to which a patient can go when he has had recourse to the network of ambulatory services and has received a

prescription under the programme to get his medication, paying only 20 per cent of the value of the prescription. The pharmacy finances 15 per cent, and MSAS contributes 65 per cent. In order to facilitate the process, MSAS requires all health services to provide prescriptions for these drugs, in accordance with a ministerial resolution.

285. The supply of generic pharmaceutical products is guaranteed by the Organization for the Manufacture of Generic Medications (SEFAR), an organization attached to MSAS which is responsible for the preparation of such drugs.

286. People's pharmacies were established with contributions from the state administrations and the mayors' offices of municipalities; at these pharmacies drugs can be obtained with discounts of 30 to 35 per cent off the regular cost.

287. As a component of these programmes, the National Nutrition Institute (INN), which is attached to MSAS, identifies the population to be served on the basis of the criterion of risk and knowledge of unmet basic needs. Its beneficiaries include the population over 65 years of age, with the supply of free lunches to those who go to people's canteens.

Measures taken to increase community participation in the planning, organization, operation and control of primary health care

288. Communities have achieved a relatively high level of information on aspects which have a direct impact on their health situation, such as problems which essentially affect neglected and high-risk population groups. Civil organizations have gradually been becoming involved in this work. One example is the work done by the indigenous communities, notably the case of the establishments of the wuajuú women, whose intervention was decisive in the control of the cholera epidemic which affected them and which originated on the other side of the frontier with Colombia, in Guajira. Mention might also be made of the contribution of the Pemón ethnic group, in Bolívar State, in setting in motion communal cooperation for the acquisition of drugs. Both initiatives fall within the proposals for the support and encouragement of ideas generated at the local level in order to transform them into viable programmes. Work with the communities does not consist only in the implementation of the aforementioned programmes. The direct participation of the users of the services in the processes of co-management of ambulatory centres and hospitals has also been developed, and positive experience has been gained in this area (see annex 21).

Measures taken to provide education concerning prevailing health problems and the measures to prevent and control them

289. Unlike the situation with regard to the health services, programmes for the training of human resources have not been decentralized. This may be regarded as an advantage if one takes into account the fact that in this way MSAS has a global view of the health problems in the country and is therefore better able to formulate national policies which may have an impact on the human resources subsystem for health services. MSAS is working to make the process of upgrading and professionalising the technical personnel of the services more flexible. Specialized courses and master's degree courses in the health area have been encouraged in order to prepare the teaching and research personnel who

will generate changes within the health departments, universities and other teacher-training centres in the country. Contacts and relationships are maintained with tertiary education centres with a view to the revision of the teaching/apprenticeship programmes and processes used in the training of health professionals, both in regular courses and in post-graduate studies, in the light of the programmes to be developed.

290. Other ongoing programmes are: on-the-job training of personnel; upgrading and professionalization of auxiliary and technical personnel; fellowships for the further training of health professionals; and mechanisms of cooperation with health schools to strengthen Primary Health Care strategies (APS).

Health promotion and protection

291. Through the primary health care services and the network of ambulatory services, health promotion and protection activities have been launched in order to:

- Promote health through activities aimed at achieving healthy lifestyles which would mitigate the risk factors of non-transmissible chronic diseases;

- Provide comprehensive, equitable and optimum quality care for the elderly;

- Reduce the frequency of accidents, mitigating the individual and collective impact through prevention and community security programmes;

- Contribute to the development of the Nutritional Monitoring System (SISVAN) with the emphasis on the regional and local levels;

- Develop maternal and child care activities using a comprehensive approach in the process of human development and growth.

292. Following upon these courses of action, priority has also been given to the promotion of mental health and the prevention of psychiatric disorders, starting from the assumption of the close relationship between mental illness and lifestyles and living conditions. Thus, MSAS and PAHO established a programme of cooperation which has yielded practical results:

- The restructuring of psychiatric care, which has produced some useful results;

- The formulation of a draft Protection of Mental Patients Act;

- The establishment of epidemiological monitoring in various states in the country for the prevention of drug dependency;

- The training of working teams at the state level on methodologies of planning for the implementation of the National Health Plan;

- The development of the World Health Promotion Programme, the objective of which is to encourage healthy lifestyles through behavioural changes.

Role of international assistance in the realization of the right to health

293. With regard to the role of international technical assistance in the realization of the right to health in Venezuela, such assistance has been received in the first place from the Pan American Health Organization (PAHO). The two most recent programmes which have received this assistance are:

(a) The Health in Human Development Programme, especially the Women, Health and Development project, which has examined the health situation of women in Venezuela, incorporating the gender variable. Research into "Living conditions of women in Venezuela" was concluded recently and three projects were launched: Prevention of Violence; Community Participation; and Women's Health and Health Promotion.

(b) The Frontier Epidemiological Monitoring Project, the main aim of which is to characterize the epidemiological situation in frontier areas and to define the needs for its strengthening. In this context, a diagnosis was made of the epidemiological monitoring situation in the area on the frontier between Colombia and Venezuela and steps were taken to develop a project to strengthen epidemiology in marginal and indigenous areas on the frontier between Colombia and Venezuela.

Articles 13 and 14

Brief historical account of the education process in Venezuela

294. The right to education in Venezuela was confirmed for the first time in the Constitution in 1857. In 1864, the Constitution established mandatory free primary education and confirmed the freedom of education. Even though this constitutional standard underwent some practical development under the various administrations, illiteracy and the lack and inadequacy of schools at all levels persisted until the political changes which occurred in Venezuela in 1936 following the death of the dictator Juan Vicente Gómez.

295. Starting in 1936, education became one of the State's priorities. An Education Act was promulgated, the National Teacher-training Institute was established to train secondary school teachers, and the Central University diversified vocational training with the creation of the Schools of Economics, Agronomy, Veterinary Science and Geology.

296. In 1946, the education budget was increased substantially; a broad national literacy campaign was launched; centres for the education of children and adults were created and constructed and existing centres were improved; educational campaigns were carried out; technical education and education in crafts were increased; salaries and working conditions of teachers were improved; educational enrolment at all levels, from the primary to the university level, increased substantially.

297. Between 1948 and 1958, a new military dictatorship was established in Venezuela and the development of education was seriously blocked. On the collapse of the dictatorship in 1958, the country had more than 2 million illiterate adults and more than 500,000 children of school age outside the education system; barely 6,000 students were attending technical and craft schools; there was a great shortage of school teachers and professors; and during the period barely one third of the school buildings required were built; and so on.

298. With the restoration of the democratic system in 1958, changes were again initiated. In particular, the coverage of primary and secondary education was expanded; new school establishments were created; the number of school teachers and professors was increased; an impetus was given to secondary and technical education; and new universities were created and courses were diversified.

299. In 1959, the National Institute of Educational Cooperation (INCE) was created with a view to training technical cadres and skilled and specialized workers to meet the needs of the productive centres. In 1960, the village settlements were created with a view to ensuring that the education sector would contribute to the consolidation of the agrarian reform process. That year, 38 village settlements began to function in different states in the country. The teaching personnel was trained in plans, programmes and methods of teaching applicable to the rural sector. By 1960, according the UNESCO figures, Venezuela had increased school enrolment in primary schools alone by 42 per cent compared with 1957.

300. By the year 1961/62, secondary education had achieved an increase in enrolment of 249 per cent compared with 1957/58. Enrolment in teacher-training education, that is to say the training of teachers for the pre-school and primary levels, increased by 31,641 students, and enrolment in secondary technical education increased by 9,940 students. Seventeen new technical schools were created at that time, including schools in the crafts, commercial, industrial, social welfare and artistic branches. The eradication of illiteracy was also given a great impetus.

301. During the rest of the 1960s, many higher educational institutions were created; special attention was paid to rural education; the system of school library services was established; and so on.

302. During the first half of the 1970s, the new Universities Act was promulgated; the Office of Planning for the University Sector (OPSU) was created; the National Experimental Universities were established in various states in the country; and the Centre for the Improvement of the Teaching of Mathematics and the Sciences (CENAMEC) was created in response to the policy of improving the education/learning process for children and young people who were pursuing secondary education. A special impetus was given to special education, which until that time had been mainly dealt with by the private sector. The Oral School for Deaf Children was established, and, with the sponsorship of the Venezuelan Hearing and Language Institute (IVAL) and the Venezuelan Association of Parents and Friends of Exceptional Children (AVEPANE), specialized courses for children with special needs were introduced.

303. During the second half of the 1970s, technical schools were encouraged and the "new technical secondary schools" were established in agriculture, commerce, industry, social welfare and administrative services. The "Grand Marshal of Ayacucho" fellowship programme was created and became operational. The National Open University (UNA) , which initiated distance education programmes using modern instruction and teaching methods, was created. Higher education continued to expand with the creation of three new experimental universities and nine university institutes, all of them public, and the operation of various private university institutes and colleges was authorized. During that period also, the bilingual intercultural teaching process and system for indigenous communities was initiated; the School Library Services System was created; and the School Insurance System was established, consisting of a policy which protects students at the pre-school and primary levels in State schools and private institutions in the marginalized areas, covering medical costs, hospitalization, surgery, laboratory tests, poliomyelitis, death from natural causes, accidental death and physical injury.

304. The 1980s began with the adoption of the new Education Act. The primary education subsystem was created and the Village Settlement Comprehensive Education Schools (NERDI) experiment was launched. This experiment grouped together rural schools, farm schools, primary schools, grade schools, and pre-vocational schools. Twenty-nine rural community libraries were organized and brought into operation. Adult education was given an impetus through literacy programmes and plans in coordination with the Cultural Association for Development (ACUDE).

305. The policy of creating higher education centres was continued; the National Programme for the Conservation and Maintenance of School Premises was established, through the Foundation for Educational Buildings and Endowment (FEDE), an institution jointly managed by the Ministry of Education, the Ministry of Urban Development and the educational communities. Environmental education, sex education and education in the arts were incorporated into the planning of the curriculum.

306. Since 1990, efforts have been made to break up and decentralize the administration of education, with the delegation of functions to the states, the municipalities and the schools themselves. Programmes have begun to be developed aimed at the transformation of pedagogical practice in order to improve the quality of training, the modernization and strengthening of the education sector at all levels, and the provision of socio-economic support for students with limited resources.

Right to education and freedom of education

Constitution

307. The right to education is a constitutional right in Venezuela. Article 78 of the Constitution states: "Everyone has the right to an education. The State shall create and maintain schools, institutions and services sufficiently endowed to ensure access to education and to culture, with no limitations other than those deriving from the vocation and from aptitude. Education provided by public institutions shall be free in all cycles. However, the law may establish

exceptions with respect to higher and special education in the case of persons with means".

308. The freedom of education is also a constitutional right, with the limitations and controls established by law. In this connection, article 79 of the Constitution states: "Every natural or juridical person may freely devote himself to the arts or sciences, and, after demonstrating his capacity, may establish professorships and educational establishments under the supreme inspection and control of the State. The State shall encourage and protect private education provided in accordance with the principles set forth in this Constitution and in the laws".

309. According to article 80 of the Constitution, education shall have as its aim "the full development of the personality, the training of citizens well adapted to life and the practice of democracy, the promotion of culture, and the development of a spirit of human solidarity. The State shall organize and guide the educational system towards achieving the fulfilment of the aims set forth herein".

310. The quality of education is also protected with regard to the fitness of those who impart it. In this connection, article 81 of the Constitution states: "Education shall be entrusted to persons of recognized morality and proven fitness for teaching according to the law. The law shall guarantee to teachers occupational stability and a labour system and standard of living in keeping with their lofty mission".

Organic Education Act

311. The main provisions of the Organic Education Act reflect the constitutional principles which establish the objectives of education as the full development of the personality, the training of citizens well adapted to life and the practice of democracy, the promotion of culture and a spirit of solidarity. Emphasis is placed on the strengthening of domestic and international peace and on Latin American integration and solidarity.

312. Education is also regarded as a public service, provided by the State or by individuals, under official inspection and monitoring, so that the educational service is provided to the community on an equal basis of efficiency and in keeping with social principles and requirements. Article 2 of the Organic Education Act states that "education is the primary and unavoidable duty of the State and a permanent and inalienable right of the individual".

Other legal provisions

313. The following are other legal provisions which establish the rules and regulations governing the national educational process at the various levels:

- Rules of the Organic Education Act of 22 January 1986;

- Rules of the University Colleges and Institutes of 16 January 1974, amended in May 1988;

- Universities Act of 8 September 1970;

- Rules governing the revalidation of educational qualifications and equivalencies of 14 January 1969;

- Ministerial resolutions on various matters;

- Rules governing the exercise of the teaching profession, 1991.

Bilateral and multilateral agreements

314. Venezuela has signed cultural exchange agreements with Brazil, Haiti, Belgium, Chile, Bolivia, Costa Rica, Israel, Panama, Romania, the Dominican Republic, El Salvador, Honduras, Nicaragua, Trinidad and Tobago, Guatemala, Jamaica, Poland, Spain, Guyana, Mexico, France and the Russian Federation.

315. Among the multilateral agreements, mention should be made of the "Andrés Bello" Convention concerning the educational, scientific and cultural integration of the countries of the Andean Region, signed in Bogotá, Colombia, on 31 January 1970, between the Governments of the Republics of Bolivia, Colombia, Chile, Ecuador, Peru and Venezuela.

316. Venezuela is a State member of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The various levels and educational methods and their basic content

317. The Venezuelan educational system is an organic whole which is composed of policies and services oriented towards the comprehensive provision of education at the various levels, based on the principles of unity, coordination, feasibility, regionalization and flexibility. In practical terms, the whole educational system dependent on the State is free of charge.

318. The following are the various levels:

(a) Pre-school education, which is the phase prior to the primary education level. It constitutes the first compulsory level and the course covers one year's attendance. Children enter this system at 5 years of age;

(b) Primary education is the second compulsory level. It comprises three stages, each involving three years' school attendance, and begins preferably at six years of age;

(c) Secondary and vocational education, which comes between primary education and university education and covers a period of two years' attendance;

(d) Higher education, for which the previous levels are the basis and the prerequisites. It includes vocational and post-graduate training and courses may be taken at universities, university teacher-training institutes, polytechnical and technological institutes and university colleges and institutes for the training of officers of the armed forces, special teacher-training, fine arts and research institutes; higher institutes for the training of ministers of religion; and, in general, institutes which have the objectives indicated in the Higher Education Act and adjust their requirements.

319. The various educational methods are as follows:

Adult education: aimed at persons over 15 years of age who wish to acquire, expand, renew or perfect their knowledge, or change occupation. The aim is to provide the necessary cultural and vocational training to equip them for social life, productive work and the continuation of their studies;

Special education: aimed at providing education, in a different form and using special methods and resources, for those whose confirmed physical, intellectual or emotional characteristics are of such a nature and such a level that they prevent them from adjusting and progressing through programmes designed for the various levels of the educational system. Special attention is also paid to persons who have higher aptitudes and are capable of distinguishing themselves in one or more areas of human endeavour;

Pre-military education and education of ministers of religion: governed by special laws;

Extramural education: meets the requirements of continuing education, through programmes designed for the population in general aimed at raising the cultural, artistic and moral level.

Funding of education

320. The Organic Education Act establishes that the courses offered in public institutions shall be free of charge at all levels. The only exception is for higher and special education in the case of persons with economic means. The funding of public non-university education is therefore the responsibility of the national executive, through the Ministry of Education.

321. With regard to university education, article 11 of the Universities Act states that ordinary studies at national universities are free, with the exception of students repeating courses who are charged a fee. This exception has not been established as a rule so that, in practice, students following undergraduate studies, whether they are repeating a course or not, pay only modest fees for enrolment, certificates of studies and qualifications, the processing of requests for equivalencies and other transactions of an administrative nature. This legal provision, combined with social factors and political commitments, has resulted in all higher educational institutions in the public sector being dependent for their funding almost exclusively on the national budget. These university institutions have some income of their own derived mainly from research, services and enrolment dues for post-graduate students and those taking extension courses. However, these sources of income, taken together, represent a very small percentage of the total budget, in the case of universities amounting to no more than 5 per cent on the average. The State's contribution thus represents approximately 95 per cent of their costs.

322. The following set of figures shows the annual amount of the expenditure budget of the Ministry of Education from 1985 to 1995:

Year	Total expenditure (bolívares)
1985	17 558 144 482
1986	17 362 418 432
1987	28 044 728 262
1988	31 608 226 016
1989	49 426 067 723
1990	57 346 868 803
1991	136 571 163 841
1992	181 105 394 726
1993	232 475 133 079
1994	385 847 513 821
1995	580 265 722 706

For example, the expenditure in 1995 is equivalent to US$ 3,226,775,000, which represents 19.69 per cent of the total expenditure budget of the Venezuelan State for that year.

Source: Budget and statistics, Ministry of Education.

323. Other public organizations also had costs relating to education (approximately Bs 60,000 million), which, added to the expenditure of the Ministry of Education, raises the proportion of the national budget invested in education to 21.77 per cent. The State subsidizes part of private education.

Pre-school education

324. Pre-school education in Venezuela is usually provided in premises annexed to public or private offices, or in the same schools as primary education, in meeting rooms in buildings or residential units, churches, spaces available in the community and premises constructed specially for the purpose. There are also inter-institutional coordination establishments, through which article 19 of the Organic Education Act, which establishes the obligation of enterprises to contribute to the pre-school education of the children of their workers, is implemented. In 1995, 8,703 pre-school educational establishments were operating in Venezuela, including 6,768 public and 1,935 private, with a total of 716,529 children enrolled.

Enrolment in pre-school education
from 1985/86 to 1994/95

1985/86	561 846
1986/87	549 376
1987/88	552 907
1988/89	555 933
1989/90	570 615
1990/91	634 812
1991/92	674 644
1992/93	683 495
1993/94	695 320
1994/95	716 529

Source: Report of the Ministry of Education, Budget and Statistics, 1995.

325. In the year 1994/95, the teaching personnel at the pre-school level reached a total of 29,924, of whom 23,690 were in the public sector and 6,652 in the private sector. Of this total, 24,849 were working in urban areas and 5,093 in rural areas.

326. The curriculum planned for this educational level is aimed at responding to the need to establish a set of rules to provide definitions and axiological and epistemological categories which could serve as a basis of support for the whole pre-school education system. In this connection, attention is directed towards the comprehensive care of children under six years of age in order to facilitate the full development of their potentialities. The aim is to protect all the rights of the child so that the programme is directed towards: facilitating physical, cognitive, socio-emotional, psychomotor and linguistic development; facilitating the active participation of the child in his learning process; promoting the development of his abilities and skills; supporting the family and the community in the educational process of their children; encouraging attitudes which promote the conservation, protection and improvement of the environment, and the rational use of natural resources; and introducing the child to the importance of the national identity and honest work. Pre-school education is accompanied by some additional services: (a) medical and dental services and guidance; (b) school canteens; and (c) half-fare school travel subsidy.

Primary education

327. The legal basis governing primary education is the same as that which governs the educational system in general, namely, the Constitution (art. 55) and the Organic Education Act, article 21 of which states the purposes of this level of education: to contribute to the overall development of the pupil; to develop his skills and his scientific, technical, humanistic and artistic capacity; to carry out functions of exploration and orientation; to introduce

students to the learning of technical disciplines which would allow them to exercise a socially useful function; to stimulate in pupils a desire for knowledge; and to develop in each individual the capacity for knowledge in keeping with his aptitudes.

328. Primary education centres are distributed throughout the national territory (urban, rural, frontier and indigenous areas) and are classified, depending on the agency responsible for them, as: public, which includes national, state, municipal and independent schools; and private schools. Primary education is provided in different types of schools: the educational unit; the primary grade school; the third-phase primary school; the first-phase, second-phase and third-phase primary school; the unitary school; the catchment area school; and the farm school. In the year 1993/94, the number of establishments providing primary education was 16,133, of which 13,851 were in the public sector and 2,282 in the private sector.

329. All Venezuelans and residents in the country between the ages of 6 and 14 years have access to primary education free of charge. In order to assist the pupils, primary education is divided into three phases: the first comprises the first three grades; the second the fourth, fifth and sixth grades; and the third phase the seventh to ninth grades. Primary education is the educational level with the most students in Venezuela. In the year 1993/94, there was a total of 4,217,283 pupils, 3,515,698 of whom were in the public sector and 701,631 in the private sector. Broken down by geographical area, 3,204,994 were in urban areas and 1,012,289 in rural areas.

330. The teaching personnel for the primary education level consists mainly of schoolteachers trained at teacher-training institutes, teachers who have graduated from the fourth level (from different teacher-training institutes and universities) and teachers holding a bachelor's degree. In accordance with resolution 910 of 31 July 1991, entry into the teaching profession is by a system of competitive examinations held during the months of August and September each year. These competitive examinations are the responsibility of a qualified board, with the participation of the various teaching groups.

331. The profile of a teacher, as defined in the normative model for primary education, includes characteristics such as: adviser, promoter of educational experiments, evaluator, researcher, social integrator, and so on. These professional requirements are taken into account in the teacher-training programme at the national level, both in the universities and in the various university teacher-training institutes. The programme designed to enable teachers who have not yet graduated to obtain qualifications on the job is continuing.

332. The number of teachers in this educational level in 1993/94 was 185,748, of whom 158,380 were in the public sector and 37,477 in the private sector. As at the pre-school level, even though the vacuum is being filled, there are a considerable number of teachers without qualifications (41,708), particularly in rural areas.

333. Within this level, other additional services are provided, including school guidance and health guidance; physical education and sports activities; and the canteen and school transport services.

334. School guidance is provided through an educational guidance programme run by the Ministry of Education. Its objectives are: (a) to provide vocational guidance through experiments in play, activities in education workshops for work and informational activities in keeping with the age of the pupil; (b) to advise the teacher on group communication techniques and methodological strategies; and (c) to link guidance activities to the school curriculum.

335. Health guidance is developed through programmes in the curriculum, especially in the area of education for health, and is directed towards the attainment of the physical, mental and social health of the pupil. In a first phase, emphasis is placed on the formation of favourable habits; in the second phase, the emphasis is on the development of preventive attitudes to improve and maintain health through simple projects and activities related to environmental protection and sanitation in the school and its surroundings and on the prevention of diseases and accidents; in a third phase, education for health is directed towards the elaboration of projects for the protection and improvement of health.

336. Physical education is included as an area of the curriculum in the three phases of primary education. Its purposes are: (a) to promote in the pupil a positive attitude towards the utilization of free time, knowledge and environmental conservation; (b) to encourage the acquisition and development of abilities, skills, knowledge, attitudes and values relating to physical activity and to facilitate behavioural changes; and (c) to ensure that the pupil can execute accurately the fundamental techniques and tactics of three sports, collective or individual.

337. School canteens are food services located on the premises of primary education schools for the purpose of supplying a balanced lunch and imparting nutritional education to pupils enrolled in public schools, through a programme directed jointly by the Ministry of Education and the National Nutrition Institute (INN). School canteens in primary education establishments operate in 23 federal entities in the country. They provide nutritional protection to pupils who show signs of malnutrition and/or limited economic resources through the daily supply of a balanced lunch.

338. In addition to school canteens, the food programme offers: (a) economic assistance to provide food for pupils with special needs in order to improve their nutritional status and promote their bio-psycho-social development; (b) school snacks and food for pupils in frontier and indigenous areas, with a view to providing nutritional protection for children and adolescents who show signs of malnutrition and/or limited economic resources; and (c) food for pupils in the rural sector, in their respective schools.

339. The programmes of a social nature to benefit schoolchildren also include: (a) the Food Allowance Programme, which is a social programme providing direct assistance in the form of Bs 500 a month per pupil up to a maximum of three pupils per family; (b) the provision of school uniforms and supplies programme, which provides pupils with school uniforms and supplies and materials sufficient for the school year; and (c) the school milk programme, which consists of one kilogram of powdered milk distributed at the national level to families in rural, indigenous and frontier areas.

Secondary and vocational education

340. Article 23 of the Organic Education Act defines this level as follows: "Secondary and vocational education shall last not less than two years. Its aim is to continue the formative process of the student initiated at the previous levels and expand the full development of the student and his cultural formation; afford him opportunities to define his field of study and work; offer him scientific and technical training which will allow him to be incorporated into productive work and prepare him for the continuation of his studies at the higher education level".

341. Articles 23 and 24 of the Organic Education Act divide this level into two different fields of study: (a) secondary education, to train school graduates in the humanities, sciences or arts; and (b) vocational education, to provide technical training in the sub-branches of industry, agriculture, commerce and administrative services, social advancement and health services and the arts. These sub-branches are in turn divided into 26 specialities. It should be pointed out that both fields of study are equivalent for the purposes of the continuation of studies at the higher education level.

342. The school buildings and physical spaces in which educational services at this level are offered consist of general classrooms, classroom-workshops, workshops and laboratories. In 1994 there were a total of 1,774 establishments throughout the national territory in which secondary and vocational education was offered in both fields, 1,541 for secondary education, 139 for vocational education and 94 for both fields.

University education

343. The university sector includes all national autonomous, experimental and private universities. The national autonomous universities are governed by the Universities Act and the experimental universities of a national character operate on the basis of an exception system authorized by the Act. This system is applied in accordance with the rules of each university. Private universities are governed by the provisions of chapter IV of the Universities Act and by the internal statutes of the universities.

344. The autonomous universities comprise the oldest group of higher educational institutions. There are five in all: the Central University of Venezuela (UCV), the University of the Andes (ULA), the University of Zulia (LUZ), the University of Carabobo (UC) and the University of the East (UDO). These universities are located on the basis of one university per political and territorial region.

345. The experimental universities consist of 12 institutions, including the National Open University (UNA). This institution offers a system of distance study for courses of short duration. Also within this group is the Liberator Experimental Teacher-training University (UPEL), which is responsible for the organization and administration of teacher-training institutes at the national level.

346. The private universities consist of a group of 15 institutions throughout the country. Most of them are, however, located in the capital city Caracas.

347. The universities offer courses in all fields of knowledge and at various levels. Most of the undergraduate study programmes are of five or six years' duration and lead to a Bachelor's degree or an equivalent, such as a qualification as a lawyer, doctor, economist or engineer. The universities also offer post-graduate programmes at the level of a specialization or a master's degree or doctorate programme.

348. The teaching faculty at the universities, depending on the time and the type of engagement, is divided into four groups: professors under contract to a single university, full-time professors, part-time professors and contractual professors. The teaching and research faculty is classified into four categories: ordinary, special, honorary and retired. The ordinary teaching and research faculty members are: instructors, teaching assistants, assistant professors, associate professors and titular professors. The ordinary faculty members enter by competition and are placed and promoted on the basis of their credentials, their scientific and professional merit and their years of service.

349. For entry into university education in Venezuela, a set of standards has been established in the "National process for admission to higher education", a decision taken by the National Council of Universities (CNU) in 1973, when the number of those graduating from secondary education was increasing at such a rate that there was a high demand for higher education which could not be fully met at that time.

350. According to the Universities Act, CNU is the organization responsible for ensuring compliance with the Act by the universities, coordinating relations between them and with the rest of the educational system and harmonizing the various establishments and planning their development according to the country's needs.

351. The requirements or conditions for entry into the universities are as follows: (a) registration during the national pre-registration process; (b) presentation of proof of academic aptitude; and (c) completion of secondary education after having passed the secondary-school-leaving certificate (bachillerato) or graduated as a technician. In some experimental universities, in addition to these requirements, a student first has to take a preparatory course, the purpose of which is to bring students up to the required level. Whether the student may or may not continue his studies will depend on the results obtained and the requirements of the course of study.

352. Students who have passed the bachillerato are allocated to the various universities on the basis of the allocation criteria adopted by the National Council of Universities. These criteria are: academic record; year of graduation; regionalization; and socio-economic level. The student's request for a course of study and the capacity of the universities to meet the request are also taken into account. An entrance examination is required for entry into some courses of study, at both national and private universities.

353. There is at present a net deficit of capacity for higher education. Studies carried out by the Office of University Sector Planning (OPSU) show that during the decade 1984-1993 the number of applicants registered increased substantially. Matriculation in the university sector in the year 1993/94 reached a total of 407,008 students, of whom 332,797 (81.7 per cent) were

absorbed by the national universities and 74,211 by the private universities. That year a total of 52,325 professionals graduated from the universities. The teaching and research personnel numbered 47,975 professors.

354. Student services as an area of activity organized in higher education originated in 1943 with the creation of the Student Welfare Organization (OBE) at the Central University of Venezuela. Similar institutions were gradually created in the other universities. The student welfare and services offices develop activities to provide economic assistance, fellowships and monetary assistance, canteens, transport, residences in some cases and libraries. Medical and dental units and aid programmes have also been established. With the expansion of the student population and the emergence of new demands, psychological and academic guidance services began to be established at the level of faculties and schools and in some of them placement and employment and legal advisory services were set up. Cultural and sports activities also increased.

Non-university higher education

355. The level of non-university higher education originated legally in 1974 with the promulgation of Decrees No. 1574, on the rules governing university colleges and institutes, and No. 1575, on the rules governing the teaching and research personnel of university colleges and institutes. At the end of 1970, there were two teacher-training institutes and one polytechnical institute functioning in the country. It was, however, in 1971 that the growth of non-university higher education began and it began with the creation of technological institutes and university colleges.

356. At present, this sector of non-university higher education comprises 75 institutes classified as follows: 36 university technological institutes; 15 university colleges; 2 university polytechnical institutes; 1 university teacher-training institute; 16 university institutes; 2 university institutes for the training of ministers of religion; and 3 university institutes of fine arts.

357. In 1993/94, the teaching personnel at this level numbered 14,319. The student body that year was distributed as follows: 2,224 at the university teacher-training institute; 5,598 at the university polytechnical institutes; 109,352 at the university technological institutes; 25,805 at the university institutes; 858 at the university institutes for the training of ministers of religion; 321 at the university institutes of fine arts; and 40,755 at the university colleges.

358. The social structure of the student body consists for the most part (96 per cent) of students from lower income sectors (lower middle class, workers and marginalized sectors). In the academic year 1991/92, a total of 60,065 students entered this level, of whom 22,723 graduated at the end of the period. From an analysis of these figures, it may be inferred that 38 per cent of the students who began their course of studies graduated within the expected minimum period of time.

Special education

359. The purpose of special education is to provide for persons whose physical, intellectual or emotional characteristics do not allow them to adapt to programmes designed for other educational levels. It also provides for those whose aptitudes are higher than normal and who are capable of distinguishing themselves in one or more areas of growth.

360. The centres which offer special education are:

(a) Child development centres (CDI): an operational unit composed of an interdisciplinary team consisting of psychologists, doctors, teaching specialists, social workers, physiotherapists, occupational therapists and paediatricians. Such centres serve the population at risk from birth up to four years of age;

(b) Institute of special education (IEE): an operational unit composed of a multidisciplinary team consisting of teaching specialists, psychologists, social workers, a language therapist, a doctor, a nurse, instructors and auxiliary staff. These services serve the population suffering from mental retardation, hearing deficiencies, visual deficiencies and physical impediments in the school phase of pupils between the ages of 3 and 16; the programming depends on the characteristics of the population served;

(c) Work education workshop (TEL): an operational unit composed of a team of instructors with various specializations: teaching specialists, psychologists, social workers, occupational therapists, doctors and auxiliary staff. It serves the child population with the most severe disabilities;

(d) Integrated classrooms: services incorporated into the regular school under a specialist teacher who works in coordination with the regular classroom teacher and carries out activities designed to prevent, or assist with, learning difficulties;

(e) Psycho-educational unit (UPE): develops activities to prevent, evaluate, diagnose and treat the population of a central school and extends coverage to other schools in the region if possible;

(f) Centre for children with learning disabilities (CENDA): an operational unit which functions with a multidisciplinary team at an independent seat and develops activities to prevent, evaluate, diagnose and treat children with learning problems referred by schools in the region, district or educational area;

(g) Language rehabilitation centres (CRL): services designed to serve specifically children and adolescents with specific irregularities of language and speech;

(h) Experimental art and science centres (CEAC): an operational unit which develops activities aimed at promoting the high-level potential of exceptional students.

361. In the academic year 1994/95, enrolment in special education was 170,156 students, 163,665 of whom were served by public establishments and 6,491 by the private sector. The sex ratio was 94,092 male and 76,064 female.

Adult education

362. The rate of illiteracy and of persons without any education in Venezuela is 8.9 per cent of the total population aged 15 or older, a figure which is used to calculate illiteracy.

363. The National Plan for the Adult Population with Basic Learning Needs is aimed at the illiterate population. It is carried out by the National Literacy Commission. The objectives of this plan are: (a) to ensure that the illiterate adult population acquires the basic learning tools; and (b) to link programmes aimed at facilitating the acquisition of the basic tools of reading, writing and arithmetic to development and transformation policies and programmes in the economic, social, political and cultural fields in the country.

364. With regard to special programmes to provide adult education, in the year 1994/95 there was a total of 453 training centres in operation in the country, served by 1,617 teachers, with a total enrolment of 229,167 students, distributed as follows: (a) literacy: 4,523; (b) primary education (from first to sixth semester): 29,936; (c) primary education (from seventh to twelfth semester): 103,579; (d) secondary and vocational education: 59,914; (e) training: 31,235.

Equality of access

365. The proportion of men and women benefiting from the various educational levels is noticeably similar to the proportion of men and women in the total population of the country. For example, the statistics of enrolment in educational levels in Venezuela in the academic year 1994/95 show the following distribution between men and women:

Total:	5,299,822
Male:	2,639,680
Female:	2,659,942

The distribution in educational levels was as follows:

Pre-school education:

Total:	716,529
Male:	361,732
Female:	354,797

Primary education:

Total:	4,249,389
Male:	2,136,459
Female:	2,112,930

Secondary and vocational education:

Total:	333,704
Male:	141,489
Female:	192,216

Conditions of teachers

366. The Ministry of Education has drawn up and is carrying out a programme aimed at the enhancement of the moral and material dignity of teachers. The professional training of schoolteachers is the responsibility of the universities, while the Ministry of Education establishes the requirements for the entry of teachers into the school system. Both, however, work in coordination, through the National Teacher-training Commission, composed of representatives of the Ministry and the universities. In addition to undergraduate studies, refresher courses are offered. Schoolteachers who wish to take post-graduate courses also receive encouragement and the facilities to do so.

367. Within this programme for the enhancement of the dignity of teachers, the Ministry of Education has been developing, jointly with the administrations of the states, regional centres for the support of schoolteachers. These are institutions with professors who are specialists in language, mathematics, social sciences and natural sciences to help schoolteachers, not only in the centres, but also in their classrooms. The centres have housing accommodation, classrooms, computer laboratories, specialized libraries, equipment for the production and reproduction of teaching materials and other necessary facilities. The workshops generally last one week and during this time the teachers are accommodated at the centre.

368. Significant progress has been achieved in improving the living and working conditions of schoolteachers. With effect from 1994, the salaries of teachers who have graduated from universities were made equal with those of university professionals in the service of the State, and that same year their salaries were increased by an average of 110 per cent. In 1993, a teacher with a bachelor's degree in education entered the educational system as a teacher I (docente I) with a salary equivalent to US$ 280; in 1997, the initial salary was US$ 485. The salary of a teacher with more than five years' experience went from a base salary of US$ 432 to US$ 716 during the same period. In addition to the base salary, teachers who work in frontier areas, rural areas and depressed areas of the cities or those who perform management functions receive additional bonuses.

369. The social security of teachers has also been improved. The Social Security and Welfare Institute of the Ministry of Education (IPASME) offers schoolteachers direct medical assistance, dental services, laboratory services and ambulatory surgery. Personal loans and loans for the purchase and improvement of housing are granted. Teachers also receive special assistance in the event of death, disease or accident or for the acquisition of various types of prostheses. Economic assistance is offered on the birth of children, as well as special bonuses for each child. IPASME maintains a recreation programme for active and retired teachers and has two tourist centres with all amenities, one at the beach and the other in the mountains.

Relationship between public and private education

370. In Venezuela, the State is the main producer of educational services at all levels, as may be seen from the table annexed to this report*. The table shows the enrolment in public and private institutes according to the levels and types of education in the system for the academic years 1992/93 to 1994/95.

371. The following table contains some indicators relating to the right to education, especially education for children, and the literacy rates for the years 1990 and 1994-1995.

Indicators relating to the right to education

Indicators	Latest figure available		1989/90 Figure	Source
	Figure	Year		
Net rate of school enrolment, primary	82,4	1994-1995	82,5	MIN EDUC
Net rate of school enrolment, pre-school	55,5	1993-1994	49,3	MIN EDUC
Specific rate of school enrolment, 1st grade	66,7	1993-1994	65,9	MIN EDUC
Rate of primary graduation	598,48*	1992-1993		MIN EDUC
Repeat rate 1st grade	18,1	1993-1994	16,5	MIN EDUC
Repeat rate 2nd grade	13,5	1993-1994	11,8	MIN EDUC
% of minors 10-12 years of age who achieve basic learning habits in accordance with their level	91,34%	1992-1993		MIN EDUC
% of children reaching 5th grade	78,1	1992		MIN EDUC
Net rate of primary school enrolment (total)	82,4	1994-1995	82,5	MIN EDUC
Net rate of primary school enrolment (male)	81,1	1994-1995	81,9	MIN EDUC
Net rate of primary school enrolment (female)	83,8	1994-1995	83,2	MIN EDUC
Specific rate of school enrolment 1st grade (official age of entry 6 years)	66,7	1994-1995	65,9	MIN EDUC
Gross rate of primary school enrolment (total)	90,8	1994-1995	90,4	MIN EDUC
Gross rate of primary school enrolment (male)	89,4	1994-1995	90,5	MIN EDUC
Gross rate of primary school enrolment (female)	92,3	1994-1995	90,4	MIN EDUC

* May be consulted in the Secretariat files.

Indicators	Latest figure available		1989/90 Figure	Source
	Figure	Year		
% dropping out of basic education, total (1st to 9th)	8,17	1993-1994	6,44	MIN EDUC
% dropping out 1st grade	6,39	1993-1994	2,42	MIN EDUC
% dropping out 7th grade	22,61	1993-1994	23,79	MIN EDUC
% dropping out 9th grade	13,79	1993-1994	10,51	MIN EDUC
% dropping out 1st year secondary and vocational education	16,00	1992-1993	17,27	MIN EDUC
Literacy rate among adults (total)	92,00	2nd half 1995	91,05	OCEI
Literacy rate among adults (men)	93,02	2nd half 1995	92,46	OCEI
Literacy rate among adults (women)	90,96	2nd half 1995	89,63	OCEI

* For the calculation of this indicator, the enrolment considered as first grade is that corresponding to the cohort which starts in the school year 1987/88 and pupils promoted to the sixth grade in the school year 1992/93. With effect from the school year 1989/90, the primary school (1st to 9th) was initiated, so that there was no more primary graduation.

Note: With the exception of the indicator "Rate of primary graduation", which is expressed per 1,000, all the education rates are expressed per 100.

Article 15

National Cultural Council

372. Article 83 of the Constitution states that "The State shall promote culture in its diverse forms and shall see to the protection and conservation of works, objects and monuments of historical or artistic value found within the country and shall strive to use them in the promotion of education".

373. Culture proper and the administration of cultural programmes are governed by the Act which created the National Cultural Council (CONAC), which has been in effect since 1975. This Act states, in general terms, that the purpose of the Act is to establish the guiding principles of the cultural policy of the State, which shall be directed mainly towards study, planning, coordination and execution in the field of the humanities, the arts and the social sciences, principally in forms outside the schools. In the programming and carrying out of its activities, CONAC starts from the idea that culture should have a socio-political relevance equivalent to that of the rights to education, work, social

security and freedom of expression, so that its purpose is to offer the broadest opportunities for participation in, access to and enjoyment of culture.

374. Of the cultural policy strategies of CONAC, mention should be made, within the National Operative Plan which is being implemented, of the decentralization of cultural activities which has not only restored the right of the provinces to manage their cultural development independently and to break the extreme dependence on the central authorities, but has also encouraged the regions to develop programmes within the context of their own realities, resources and capacities.

375. The educational programmes developed by CONAC are carried out through the Teaching Support Office, which is the advisory unit on educational matters, and the Latin American and Caribbean Centre for Cultural Development (CLADEC).

376. The Sectoral General Directorate of Crafts includes: the Organization of the Crafts Sector; the National Register of Craftsmen; training in crafts; trade fairs and events; crafts research; promotion and development of raw materials; the review Artesanos y Artesanías; the annual Crafts Show; the National Annual Prize for Crafts; tourism and crafts; and crafts programmes in prisons. The Sectoral General Directorate of Aural Arts includes: the promotion and diffusion of music; music teaching; national competitions and prizes; and the subsidy programme. In addition, there are the Sectoral General Directorate of Visual Arts; the General Directorate of the Theatre; the Sectoral General Directorate of Dance; the Sectoral General Directorate of Literature; the Sectoral General Directorate of Cinema, Photography and Video; the Sectoral General Directorate of Museums; the National Theatre Foundation; the National Theatre Company; the House of the Artist Foundation; the National Cinematographic Foundation; the Ethnomusicology and Folklore Foundation; the National Art Gallery Foundation; the Kuai-Mare Venezuelan Book Foundation; the Armando Reverón Foundation; the Alejandro Otero Visual Arts Museum Foundation; the Museum of Fine Arts Foundation; the Science Museum Foundation; the Foundation for the Promotion of Books (Fundalibro); the Teresa Carreño Foundation; the Vicente Emilio Sojo Foundation; the Armando Reverón University Institute of Higher Studies in the Plastic Arts (IUESAPAR); the University Institute of Music Studies (IUDEM); the University Institute of the Theatre; the Institute of the Cultural Heritage; the Rómulo Gallegos Centre for Latin American Studies (CELARG); the National Symphony Orchestra Foundation; the Artur Michelena Museum Foundation; and the Monte Avila Latin American Publishing Company.

377. The rights to scientific, literary or artistic works, inventions, trade names, trade marks and slogans are protected for the length of time and under the conditions established by the Constitution and by law.

Policies relating to scientific and technological development

378. The official organ of the Venezuelan State responsible for promoting and consolidating scientific and technological research activities in the country and for encouraging and coordinating bodies which carry out such research and for planning activities in the science and technology sector is the National Scientific and Technological Research Council (CONICIT), which was established by law on 13 July 1967 and which is currently governed by the National Council

for Scientific Research Act, which has been in force since 13 December 1984 (annex 22).

379. CONICIT is an auxiliary organ of the national executive. It maintains relations of coordination with other public and private organizations with regard to national and regional planning of technological development and the transfer of technology. It promotes scientific and technological research and development in the various regions of the country and deals with their particular needs and resources.

380. Its main mission is to contribute to the development of the processes of the creation, dissemination and use of scientific and technological knowledge, linking the country's research and knowledge through the planning, promotion and coordination of a wide network of initiatives, with the participation of various social actors, in order to upgrade the capacity of Venezuelan society for innovation and improve the quality of life of the population. It carries out these functions within the parameters of democracy, equity and environmental sustainability, promoting and increasing the value of scientific research and technological innovation.

381. The functions of CONICIT are as follows:

(a) To formulate, jointly with other departments of the public administration, the National Plan for Science and Technology and to coordinate, monitor and evaluate its execution;

(b) To coordinate the activities of the organizations and bodies which make up the science and technology sector;

(c) To make recommendations to the national executive on the allocation of financial resources for the sector;

(d) To advise public and private organizations on matters relating to science and technology;

(e) To promote and encourage the development of national and regional scientific and technological research institutions, units, laboratories, centres and institutes, to facilitate their creation and strengthening, and to coordinate and evaluate their activities;

(f) To promote the generation of scientific and technological knowledge and contribute towards its incorporation into the economic and social system of the country;

(g) To establish and maintain registers of information to permit knowledge of the state of scientific and technological research and of the human and material resources devoted to that activity;

(h) To promote information services in the sector;

(i) To propose international policies to be applied in the country in the science and technology sector;

(j) To encourage scientific and technological research activities through incentives such as prizes, fellowships and subsidies;

(k) To promote, jointly with higher educational and research institutions, the training and incorporation of specialized human resources for research and development;

(l) To promote scientific publications and meetings and events which may contribute to the dissemination of knowledge on the subject;

(m) To encourage scientific and technological exchanges with other countries; and

(n) To coordinate the activities necessary to achieve compliance in the country with the commitments relating to science and technology deriving from international agreements.

Legislative measures with regard to science and technology

382. Various constitutional and legal provisions deal with the development of science, copyright and scientific research in the country.

383. Article 100 of the Constitution states that "Rights to scientific, literary and artistic works, inventions, trade names, trade marks and slogans shall be protected for the period of time and under the conditions established by law".

384. Article 1 of the Copyright Act states that "The provisions of this Act shall protect the rights of authors of creative works whether of a literary, scientific or artistic nature". The regulations concerning that Act develop the principles contained therein.

385. Article 106 of the Constitution states that "The State shall see to the protection and conservation of the natural resources within its territory, and the exploitation thereof shall be directed primarily towards the collective benefit of the Venezuelans".

386. Venezuela is a member of the Board of the Cartagena Agreement and has incorporated into the regulations in force Decision 344, which deals with the rights of inventors to their creations through patents and the rights of business people to the signs they use to distinguish their products in the market through trade marks. Decision 345 of the same Agreement recognizes and guarantees the protection of the rights of the inventor, and thus protects and encourages research. The aim of Decision 351 is to recognize adequate and effective protection for authors and other holders of rights to creative works in the literary, artistic or scientific field.

387. Article 58 of the Income Tax Act creates tax incentives to promote the development of technological activities by establishing a tax reduction on earnings derived from activities designed to result in the effective increase in the productive capacity of enterprises other than hydrocarbons.

388. The national executive has prepared a draft Organic Science and Technology Act, which would establish the legal bases for scientific and technological development, the rights of its authors and the dissemination of its results.

International cooperation

389. Venezuela has signed cooperation agreements with other Latin American countries for the development of joint scientific and technological research and development projects, for the exchange of information, researchers and publications, and for the organization of courses, seminars, symposia, congresses and other meetings, with Chile (1990 and 1991), Ecuador (1986), Peru (1993), Colombia (1993), Brazil (1995) and Mexico (1989).

390. It also signed an Agreement on Scientific and Technological Cooperation with the United States of America in 1990 and a Memorandum of Understanding with the Institute of Standards and Technology of the Department of Commerce of the United States of America on technological and scientific cooperation (1992). It has signed agreements with France (1985), Hungary (1985), Italy (1987), Austria (1995) and other European countries.

391. Cooperation with multilateral organizations has been developed through assistance agreements (UNESCO, FAO, UNIDO, UNCTAD) and financial agreements (IDB).

392. With the Inter-American Development Bank, it signed the CONICIT-IDB Agreement to support the Programme for the Activation, Mobilization and Modernization of the National Science and Technology Sector. Also, with IDB funding up to 50 per cent of the cost of the programme, research has been carried out in the areas of biotechnology (health, agriculture and industry), electronics, computer science, new materials and applied chemistry.

Ongoing programmes

393. Work is being done on various programmes:

(a) Economic subsidies for research projects on request (individuals), financed for up to three years. This programme operates also for groups of researchers at one or more institutions;

(b) Subsidies for the creation or strengthening of research centres. This is a permanent funding programme with periodic evaluation of the management. The support includes funding for the training of personnel, both within and outside the country, attendance at congresses, the acquisition of equipment and materials, and the repair of equipment;

(c) Subsidies for international cooperation projects, in particular those undertaken in the context of cooperation agreements with other countries;

(d) Agenda programmes, comprising activities which vary according to specific needs, for example:

Health agenda in frontier states (Zulia, Táchira, Apure, Amazonas, Bolívar and Delta Amacuro);

Social agenda, with the specific theme of urban violence;

Environmental agenda (Guayana and Amazonas) on biodiversity and oceanology;

Agriculture agenda, with the specific themes of cacao and sesame;

Petroleum agenda; and

Education agenda;

(e) Training of research workers: fellowships and credits, travel costs, and refresher courses;

(f) Programmes directed specifically towards the national productive sphere. Technical and financial support to enterprises for research work; financing of laboratories which serve the productive sector; technical strengthening and financing of research centres; special studies to identify needs and shortages in the productive sector; copyright for legal advice in the negotiation of patents; and so on;

(g) Dissemination programmes. Publication of the review Reto; publication of the review Revista de Ciencia y Tecnolgía; convening and financing of the Youth Science Festival; and so on.

List of annexes*

1. Organic Labour Act

2. Act approving the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women

3. Draft Act on Violence against Women and the Family

4. Decree No. 2722 of 22 December 1992 on the creation of CONAMU

5. Report on ILO Convention No. 122

6. Act establishing the National Institute for Education Cooperation (INCE)

7. INCE statistical tables

8. Report on ILO Convention No. 95

9. Report on ILO Conventions Nos. 13, 19, 120, 139 and 155

10. Report on ILO Convention No. 153

11. Report on ILO Conventions Nos. 87 and 98

12. Report on ILO Conventions Nos. 102, 121 and 128

13. Report on the rights of the child

14. Community Care Centre Programme

15. Report on ILO Convention No. 3

16. Report on ILO Convention No. 138

17. Draft Organic Act on the Protection of Children and Adolescents

18. Venezuela's report to the World Food Summit

19. Glass of Life programme

20. CATUCHE-HABITAT project

21. Mobile clinics experiment

22. National Council for Scientific and Technological Research Act

---

* The annexes may be consulted in the Secretariat files.